



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SPECIAL SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Special Second Division, issued a Resolution dated **July 18, 2022** which reads as follows:*

“G.R. No. 236842 (XXX* vs. People of the Philippines). – In a Resolution¹ dated July 27, 2020, the Court modified the Decision² dated August 31, 2017 of the Court of Appeals in CA-G.R. CR No. 38540 as follows:

WHEREFORE, the Decision dated August 31, 2017 of the Court of Appeals in CA-G.R. CR No. 38540 is MODIFIED in the following manner:

(a) in Criminal Case No. 06-2175 for violation of Section 5 (e) (2) of RA 9262, petitioner XXX is ACQUITTED for the prosecution’s failure to prove his guilt beyond reasonable doubt;

(b) in Criminal Case No. 06-2174 for violation of Section 5 (e) (4), petitioner is sentenced to suffer the penalty of imprisonment for an indeterminate period of six (6) months of *arresto mayor*, as minimum, to four (4) years and two (2) months of *prision correccional*, as maximum; and

(c) in Criminal Case No. 06-2173 for violation of Section 5 (i), petitioner is sentenced to suffer the indeterminate penalty of six (6) months and one (1) day of

* The identity of the victim or any information which could establish or compromise her identity, as well as those of her immediate family or household members, shall be withheld pursuant to Republic Act No. 7610, “An Act Providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination, and for Other Purposes”; Republic Act No. 9262, “An Act Defining Violence Against Women and Their Children, Providing for Protective Measures for Victims, Prescribing Penalties Therefor, and for Other Purposes”; Section 40 of A.M. No. 04-10-11-SC, known as the “Rule on Violence Against Women and Their Children,” effective November 5, 2004; *People v. Cabalquinto*, 533 Phil. 703, 709 (2006); and Supreme Court Amended Administrative Circular No. 83-2015 dated September 5, 2017, Subject: Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions, and Final Orders Using Fictitious Names/Personal Circumstances. *People v. AAA* (G.R. No. 248777, July 7, 2020).

¹ *Rollo*, pp. 62-66.

² *Id.* at 20-30. Penned by Associate Justice Jose C. Reyes, Jr. (now a retired Member of the Court) and concurred in by Associate Justices Nina G. Antonio-Valenzuela and Victoria Isabel A. Paredes.

prision correccional, as minimum, to eight (8) years and one (1) day of *prision mayor*, as maximum. In addition, petitioner is ordered to pay a fine in the amount of P100,000.00, to undergo a mandatory psychological counseling or psychiatric treatment, and report compliance to the Court.

SO ORDERED.³

In a Manifestation⁴ dated November 15, 2020, counsel for XXX (petitioner) informed the Court that the latter had died on October 12, 2019 as evidenced by his Certificate of Death.⁵

By reason of petitioner's death, there is a need to reconsider and set aside the Resolution⁶ dated July 27, 2020 and enter a new one dismissing the criminal cases against petitioner.

Petitioner's death prior to his final conviction by the Court renders dismissible the criminal cases against him.⁷ Under paragraph (1) Article 89 of the Revised Penal Code, criminal liability is totally extinguished by the death of the accused.⁸ The provision states:

Article 89. *How criminal liability is totally extinguished.* — Criminal liability is totally extinguished:

1. By the death of the convict, as to the personal penalties; and as to pecuniary penalties, liability therefor is extinguished only when the death of the offender occurs before final judgment.

x x x x

Jurisprudence⁹ explains the effects of the death of an accused pending appeal on his or her liabilities, thus:

1. Death of the accused pending appeal of his or her conviction extinguishes his or her criminal liability[,] as well as the civil liability[,] based solely thereon. As opined by Justice Regalado, in this regard, "the death of the accused prior to final judgment terminates his or her criminal liability and only the civil liability directly arising from and based solely on the offense committed, *i.e.*, civil liability *ex delicto in senso strictiore*."

2. Corollarily, the claim for civil liability survives notwithstanding the death of accused, if the same may also be predicated on a source of

³ Id. at 65-66.

⁴ Id. at 67-68.

⁵ Id. at 85-86.

⁶ Id. at 62-66.

⁷ *People v. Maylon*, G.R. No. 240664, June 22, 2020.

⁸ Id.

⁹ *People v. Monroyo*, G.R. No. 223708, October 9, 2019.

obligation other than delict. Article 1157 of the Civil Code enumerates these other sources of obligation from which the civil liability may arise as a result of the same act or omission:

- a) Law
- b) Contracts
- c) Quasi-contracts
- d) x x x
- e) Quasi-delicts

3. Where the civil liability survives, as explained in Number 2 above, an action for recovery therefor may be pursued but only by way of filing a separate civil action and subject to Section 1, Rule III of the 1985 Rules on Criminal Procedure as amended. This separate civil action may be enforced either against the executor/administrator or the estate of the accused, depending on the source of obligation upon which the same is based as explained above.

4. Finally, the private offended party need not fear a forfeiture of his right to file this separate civil action by prescription, in cases where during the prosecution of the criminal action and prior to its extinction, the private-offended party instituted together therewith the civil action. In such case, the statute of limitations on the civil liability is deemed interrupted during the pendency of the criminal case, conformably with provisions of Article 1155 of the Civil Code, that should thereby avoid any apprehension on a possible privation of right by prescription.¹⁰ (citation omitted)

Hence, upon petitioner's death pending appeal of his conviction, the criminal action is extinguished because there is no longer a defendant to stand as the accused.¹¹

WHEREFORE, the Court resolves to: (a) **NOTE** the Comment dated March 17, 2022 on the Manifestation dated November 15, 2020 (which informed the Court of the death of petitioner on October 12, 2019), filed by the Office of the Solicitor General in compliance with the Resolution dated January 11, 2021; (b) **SET ASIDE** the Court's Resolution dated July 27, 2020; (c) **DISMISS** Criminal Case Nos. 06-2173, 06-2174, and 06-2175 before Branch 144, Regional Trial Court, [REDACTED] by reason of the death of petitioner XXX; and (d) **DECLARE** the instant case **CLOSED** and **TERMINATED**. Let entry of judgment be issued immediately.

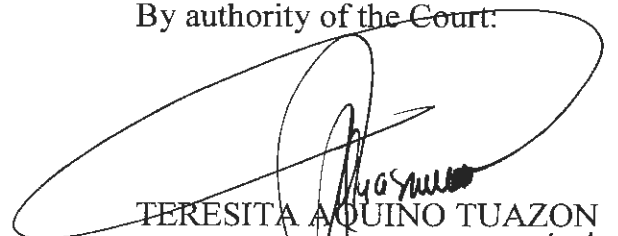
SO ORDERED."

¹⁰ Id.

¹¹ *People v. Culas*, 810 Phil. 205, 209 (2017).

July 18, 2022

By authority of the Court:


TERESITA AQUINO TUAZON
Division Clerk of Court *by 9/13*
13 SEP 2022

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Makati City
(Crim. Case Nos. 06-2173 & 06-2175)

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Please notify the Court of any change in your address.
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