



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Baguio City

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **25 April 2022** which reads as follows:*

“**G.R. No. 252890 - (People of the Philippines v. XXX¹)**. — In a letter² dated November 10, 2020, the Bureau of Corrections manifested that based on the December 3, 2016 Report from the New Bilibid Prison Hospital, Muntinlupa City, the accused-appellant XXX died on December 3, 2016.

Under prevailing law and jurisprudence,³ accused-appellant’s death prior to his final conviction by the Court renders dismissible the criminal cases against him. Article 89 (1) of the Revised Penal Code provides that criminal liability is **totally extinguished** by the death of the accused, to wit:

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. (Emphasis supplied)

This Court discussed the effects of the death of an accused pending appeal on his liabilities, as follows:

From this lengthy disquisition, we summarize our ruling herein:

1. Death of the accused pending appeal of his conviction extinguishes his 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

¹ Initials were used to identify the accused-appellant pursuant to Amended Administrative Circular No. 83-15 dated September 5, 2017 entitled “Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions, and Final Orders using Fictitious Names/Personal Circumstances.

² Temporary *rollo*, unpaginated.

³ See *People v. Maylon*, G.R. No. 240664, June 22, 2020.

judgment terminates his 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 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) xxx
- 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 111 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.⁴

Here, “upon accused-appellant’s death pending appeal of his conviction, the criminal action is extinguished inasmuch as there is no longer a defendant to stand as the accused; the civil action instituted for the recovery of the civil liability *ex delicto* is *ipso facto* extinguished, grounded as it is on the criminal action.”⁵

WHEREFORE, the instant appeal is hereby **DISMISSED**. Criminal Case Nos. 08-1585 and 08-1585-A before the Regional Trial Court, Branch 64, ██████████, Camarines Norte are hereby declared **CLOSED and TERMINATED** by reason of the supervening demise of accused-appellant XXX.

The Court **NOTES**:

1. the letter dated July 27, 2021 of CInsp. Raul B. Sinadjan, Jr., Chief, Inmate Documents and Processing Division, New Bilibid Prison, Muntinlupa

⁴ *People v. Monroyo*, G.R. No. 223708, October 9, 2019, citing *People v. Culas*, 810 Phil. 205, 208-209 (2017).

⁵ *Id.*

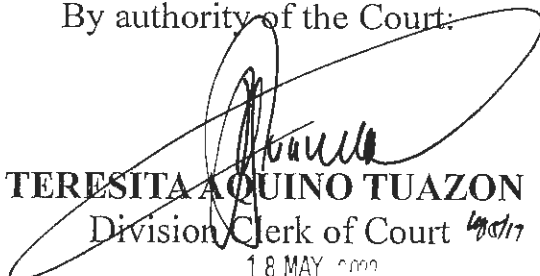
submitting the attached certified true copy of the Certificate of Death of accused-appellant from the Local Civil Registrar of Muntinlupa City, in compliance with the Resolution dated May 3, 2021;

2. the manifestation (in lieu of supplemental brief) dated November 24, 2020 of the accused-appellant, dispensing with the filing of a supplemental brief as he had exhaustively discussed the assigned errors, legal issues and arguments in his appellant's brief; and

3. the manifestation and motion (in lieu of supplemental brief) dated December 7, 2020 of the Office of the Solicitor General, likewise dispensing with the filing of a supplemental brief as the facts and issues of this case had been sufficiently discussed in its appellee's brief and to expedite the resolution of the present proceedings.

SO ORDERED." (*Perlas-Bernabe, SAJ., on official leave; Hernando, J., Acting Chairperson per Special Order No. 2887 dated April 8, 2022*)

By authority of the Court:


TERESITA AQUINO TUAZON
 Division Clerk of Court
 18 MAY 2022

OFFICE OF THE SOLICITOR GENERAL (reg)
 134 Amorsolo Street
 1229 Legaspi Village
 Makati City

PUBLIC ATTORNEY'S OFFICE (reg)
 Special & Appealed Cases Service
 Department of Justice
 PAO-DOJ Agencies Building
 NIA Road corner East Avenue
 1104 Diliman, Quezon City

THE DIRECTOR (reg)
 Bureau of Corrections
 1770 Muntinlupa City

HON. PRESIDING JUDGE (reg)
 Regional Trial Court, Branch 64
 Lobo, Camarines Norte
 (Crim. Case Nos. 08-1585 & 08-15855-A)

*CInsp. RAUL B. SINADJAN, JR.(reg)
 Chief, Inmate Documents and Processing Division
 Bureau of Corrections
 Muntinlupa City

JUDGMENT DIVISION (x)
 Supreme Court, Manila

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OFFICE OF THE CHIEF ATTORNEY (x)
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 PHILIPPINE JUDICIAL ACADEMY (x)
 Supreme Court, Manila

COURT OF APPEALS (x)
 Ma. Orosa Street
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 CA-G.R. CR-HC No. 08295

*For this resolution only
Please notify the Court of any change in your address.
 GR252890. 04/25/2022(168)URES(m)