



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **August 15, 2022** which reads as follows:*

“**G.R. No. 231961** (*People of the Philippines v. Omar Dimlat Dimnang*). – The Court **NOTES** the letter dated December 29, 2020 of Acting Corrections Chief Superintendent Julie May C. Taguiam (CCSupt. Taguiam), Davao Prison and Penal Farm, B.E. Dujali, Davao Del Norte, forwarding a certified copy of the death certificate of accused-appellant Omar Dimlat Dimnang (Omar).

Omar was charged with and convicted of three (3) counts of Statutory Rape committed against a ten-year-old girl in a Judgment¹ dated January 10, 2014 of the Regional Trial Court of Davao City, Branch 12. On appeal, the Court of Appeals affirmed the conviction in a Decision² dated February 24, 2017.

Aggrieved, Omar filed a Notice of Appeal.³ This Court then required the parties to file their respective supplemental briefs.⁴ Omar and the People, through the Office of the Solicitor General, filed separate manifestations,⁵ adopting the allegations in their appeal brief filed with the Court of Appeals and dispensing with the filing of their supplemental briefs.

Meanwhile, in a letter⁶ dated December 29, 2020, CCSupt. Taguiam, Acting Superintendent, Davao Prison and Penal Farm, B.E. Dujali, Davao del Norte, informed the Court that Omar died on December 2, 2020 at the Davao

¹ CA rollo, pp. 51–60. Penned by Judge Pelagio S. Paguican.

² Rollo, pp. 3–17. Penned by Associate Justice Ronaldo B. Martin, with the concurrence of Associate Justices Romulo V. Borja and Oscar V. Badelles.

³ *Id.* at 18–19.

⁴ See the Court’s Resolution dated August 16, 2017; *id.* at 23–24.

⁵ *Id.* at 31–33 and 37–38.

⁶ *Id.* at 49.

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Prison and Penal Farm Hospital due to asphyxia secondary to seizure disorder.⁷ Attached to the letter is a copy of Omar's Certificate of Death.⁸

Considering the death of Omar pending this appeal, the dismissal of this case is warranted.

Under paragraph 1, Article 89 of the Revised Penal Code, criminal liability is totally extinguished by the death of the convict. The Court explained, in *People v. Bayotas*,⁹ that the death of the accused pending appeal of their conviction extinguishes their criminal liability as well as the civil liability based solely thereon. The same case summarized the rules on the effect of the death of the accused as to their liability while review of their conviction was pending, thus:

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 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) x x x
 - e) Quasi-delicts
3. Where the civil liability survives, as explained in Number 2 above, an action for recovery therefor[e] 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.¹⁰

⁷ *Id.*

⁸ *Id.* at 50.

⁹ 306 Phil. 266 (1994) [Per J. Romero, *En Banc*].

¹⁰ *Id.* at 282-284.

Thus, upon Omar'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 therein for the recovery of the civil liability *ex delicto* is *ipso facto* extinguished, grounded as it is on the criminal action.¹¹

FOR THESE REASONS, the Court resolves to **SET ASIDE** the Decision of the Court of Appeals dated February 24, 2017 in CA-G.R. CR HC No. 01283-MIN and **DISMISS** Criminal Case Nos. 66,974-09, 66975-09, and 66,976-09, by reason of the death of accused-appellant Omar Dimlat Dimnang.

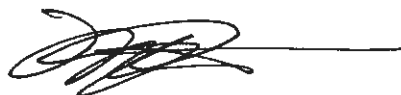
Let this case be considered **CLOSED and TERMINATED** and an entry of judgment be issued accordingly.

SO ORDERED.”

By authority of the Court:

TERESITA AQUINO TUAZON
Division Clerk of Court

By:



MA. CONSOLACION GAMINDE-CRUZADA
Deputy Division Clerk of Court ^{mm}12/22

¹¹ *People v. Egagamao*, 792 Phil. 500, 508 (2016), citing *People v. Paras*, 746 Phil. 167, 171 (2014) [Per J. Perlas-Bernabe, First Division].

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OMAR DIMNANG y DIMLAT
Accused-Appellant
(deceased)

*CCSupt. JULIE MAY C. TAGUIAM (reg)
Acting Superintendent
Davao Prison and Penal Farm
B.E. Dujali, Davao Del Norte

HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 12
Davao City
(Crim. Case Nos. 66,974-09, 66975-09, and
66,976-09)

JUDGMENT DIVISION (x)
Supreme Court, Manila

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CA-G.R. CR-HC No. 01283-MIN

Please notify the Court of any change in your address.
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