



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **June 13, 2022** which reads as follows:*

“G.R. No. 255178 (Romy Juri, petitioner v. People of the Philippines, respondent). — The Court NOTES:

1. the manifestation with motion to withdraw petition dated December 10, 2021 of Atty. Marivy P. Tomboc of the Public Attorney’s Office, Special and Appealed Cases Service, counsel for petitioner, stating that counsel learned from the wife of petitioner that the latter passed away on August 30, 2021 due to “acute myocardial infarction;” and that in the certificate of death of the petitioner, his name was indicated as “Remegio Carga Juri;” that Remegio Carga Juri and Romy Juri are one and the same person; with prayer that the instant petition be withdrawn by reason of the death of petitioner;
2. the comment dated December 20, 2021 of the Office of the Solicitor General on the petition for review on *certiorari*;
3. the letter dated March 17, 2022 of Ms. Jane G. Sabido, Chief, Archives Section, Judicial Records Division, Court of Appeals, Manila, transmitting the original records/*rollo* of CA-G.R. CR No. 37429, and transcript of stenographic notes, in compliance with the Resolution dated October 6, 2021; and
4. the manifestation dated March 25, 2022 of the Public Attorney’s Office, stating that the One Thousand Pesos (₱1,000.00) sheriff’s trust fund fee was paid on March 1, 2022.

This Court resolves a Petition for Review on *Certiorari* (Petition) dated December 29, 2020¹ filed by Romy Juri² (petitioner) assailing the Decision³

¹ *Rollo*, pp. 13-26.

² Also known as “Remegio Carga Juri” (id. at 27-28) and “Remegio Cargar Juri” (id. at 114 and 117).

³ Id. at 32-43. Penned by Associate Justice Geraldine C. Fiel-Macaraig with Associate Justices Remedios A. Salazar-Fernando and Edwin D. Sorongon concurring.

dated January 27, 2020 and the Resolution⁴ dated November 10, 2020 of the Court of Appeals (CA) in CA-G.R. CR No. 37429.

Both issuances of the CA affirmed the Amended Decision⁵ dated February 26, 2015 of the Regional Trial Court of Puerto Princesa, Palawan, Branch 52 (RTC) in Criminal Case No. 12875, finding petitioner guilty beyond reasonable doubt of violating Section 77⁶ of Presidential Decree No. 705⁷ (P.D. No. 705), as amended, otherwise known as the “Revised Forestry Code of the Philippines.”

In an Information, petitioner was charged with cutting, gathering, collecting, and transporting 35 pieces of *sakat* lumber⁸ without a license or permit, as follows:

That on or about the 19th day of April 1995, more or less 12:30 o'clock in the morning, at Barangay Pangobilian, Municipality of Brooke's Point, Province of Palawan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, without license or permit issued by competent authority as required under existing forestry laws, rules, and regulations, did then and there, willfully, unlawfully, and feloniously cut, gather, collect, and transport *sakat* lumber, and/or caused the same to be cut, gathered, collected, and transported, and as a matter of fact, when apprehended, was found and caught to possess and have in his custody and control thirty[-]five (35) pieces of *sakat* lumber with a total volume of 168.65 board feet valued in the amount of TWO THOUSAND TWENTY THREE POINT EIGHTY PESOS (P2,023.80) Philippine Currency, to the damage and prejudice of the Government in the aforestated amount.

CONTRARY TO LAW.⁹

⁴ Id. at 45-46.

⁵ Id. at 58-69. The original Decision (*rollo*, pp. 70-80), dated December 12, 2014, was modified to incorporate the amendment to Section 68 of Presidential Decree No. 705 by Section 7 of Republic Act No. 7161 entitled “AN ACT INCORPORATING CERTAIN SECTIONS OF THE NATIONAL INTERNAL REVENUE CODE OF 1977, AS AMENDED, TO PRESIDENTIAL DECREE NO. 705, AS AMENDED, OTHERWISE KNOWN AS THE “REVISED FORESTRY CODE OF THE PHILIPPINES”, AND PROVIDING AMENDMENTS THERETO BY INCREASING THE FOREST CHARGES ON TIMBER AND OTHER FOREST PRODUCTS,” (approved on October 10, 1991), which renumbered the original Section 68 of P.D. No. 705 as Section 77.

⁶ Section 77. *Cutting, Gathering and/or Collecting Timber, or Other Forest Products Without License.*— Any person who shall cut, gather, collect, removed timber or other forest products from any forest land, or timber from alienable or disposable public land, or from private land, without any authority, or possess timber or other forest products without the legal documents as required under existing forest laws and regulations, shall be punished with the penalties imposed under Articles 309 and 310 of the Revised Penal Code: Provided, That in the case of partnerships, associations, or corporations, the officers who ordered the cutting, gathering, collection or possession shall be liable, and if such officers are aliens, they shall, in addition to the penalty, be deported without further proceedings on the part of the Commission on Immigration and Deportation.

The court shall further order the confiscation in favor of the government of the timber or any forest products cut, gathered, collected, removed, or possessed as well as the machinery, equipment, implements and tools illegally used in the area where the timber or forest products are found.

⁷ Entitled “REVISING PRESIDENTIAL DECREE NO. 389, OTHERWISE KNOWN AS THE FORESTRY REFORM CODE OF THE PHILIPPINES,” approved on May 19, 1975.

⁸ *Sakat* (*Terminalia nitens Presl*) is a medium-sized deciduous tree, also known as magtalishai or dalinsi (See <www.tropicaltimber.info/specie/terminalia-nitens>, last accessed May 2, 2022).

⁹ *Rollo*, pp. 33.

When arraigned, petitioner pleaded not guilty of the crime charged.¹⁰

After trial, the RTC issued an Amended Decision¹¹ dated February 26, 2015 finding petitioner guilty beyond reasonable doubt of violating Section 77 of P.D. No. 705, as amended. The RTC found that the prosecution successfully proved the elements of the crime of possessing timber and other forest products without the legal documents required under existing forest laws and regulations,¹² *i.e.*, that petitioner was caught in possession of timber and other forest products, and that he had no permit to possess the same.¹³ The RTC relied on the categorical statements of the prosecution witnesses, finding no reason to doubt the veracity of their testimonies as it was made in connection with the performance of their official functions¹⁴ as police officers.¹⁵ The RTC further pointed out that not only was petitioner caught *in flagrante delicto*, but also the documents presented by petitioner in his defense did not pertain to an authority for him to transport the 35 pieces of *sakat* lumber on April 19, 1995,¹⁶ thereby rejecting petitioner's claim of good faith in possessing the same.¹⁷ Accordingly, petitioner was sentenced to suffer the penalty of imprisonment for an indeterminate period of four (4) years, two (2) months and one (1) day of *prision correccional* as minimum, to eight (8) years and one (1) day of *prision mayor* as maximum.¹⁸

Aggrieved, petitioner appealed to the CA.

In a Decision¹⁹ dated January 27, 2020, the CA denied petitioner's appeal and affirmed the RTC ruling.²⁰ It upheld the presence of all the elements of the offense charged, underscoring the fact that petitioner himself admitted during his testimony that he did not bring any permit or document with him when he transported the 35 pieces of *sakat* lumber.²¹ The CA likewise agreed with the RTC that good faith is not a defense in his case since the offense is complete and criminal liability attaches once the prohibited acts are committed,²² citing *Crescencio v. People of the Philippines*²³ and *People of the Philippines v. Telen*.²⁴ Thus, the motive or intention of petitioner in this case is immaterial, the only inquiry being whether or not the law has been violated.²⁵

¹⁰ *Id.*

¹¹ *Id.* at 58-69. Penned by Judge Angelo R. Arizala.

¹² *Id.* at 65 and 76.

¹³ *Id.* at 62 and 73.

¹⁴ *Id.* at 64 and 76.

¹⁵ *Id.* at 62-64 and 74-76.

¹⁶ *Id.* at 64-65 and 76.

¹⁷ *Id.* at 68 and 79.

¹⁸ *Id.* at 69.

¹⁹ *Id.* at 32-43.

²⁰ *Id.* at 39.

²¹ *Id.* at 40. See also pp. 67 and 78.

²² *Id.* at 40.

²³ 747 Phil. 577 (2014).

²⁴ 398 Phil. 109 (2000).

²⁵ *Rollo*, p. 40.

Petitioner moved for reconsideration, but the same was denied in a Resolution dated November 10, 2020. Hence, this Petition.

While this case is pending, a Manifestation with Motion to Withdraw Petition²⁶ (Manifestation) dated December 10, 2021 was filed for and on behalf of petitioner by the Public Attorney's Office, through which the Court was informed that petitioner passed away on August 30, 2021. A Certificate of Death dated August 31, 2021²⁷ issued by the Office of the Civil Registrar General was attached to the Manifestation.

Under prevailing law and jurisprudence, petitioner's death prior to his final conviction by the Court **totally extinguishes** his criminal liability. Article 89(1) of the Revised Penal Code provides that:

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 therefore is extinguished only when the death of the offender occurs before final judgment[.]

Ordinarily, the civil action instituted therein for the recovery of civil liability *ex delicto* is likewise *ipso facto* extinguished, grounded as it is on the criminal action. The rationale is that upon the death of an accused pending appeal of his or her conviction, the criminal action is deemed extinguished since there is no longer a defendant to stand as one.²⁸ Nonetheless, as it has been done in a catena of cases, it is well to clarify that civil liabilities may survive if they are predicated on a source of obligation other than delict.²⁹ However, since no civil liability arose from the crime for which the RTC convicted petitioner, then no civil liability needs extinguishment in this case.

FOR THESE REASONS, the Court resolves to: (a) **SET ASIDE** the Decision dated January 27, 2020 and the Resolution dated November 10, 2020 of the Court of Appeals in CA-G.R. CR No. 37429; (b) **DISMISS** Criminal Case No. 12875 before the Regional Trial Court of Puerto Princesa, Palawan, Branch 52 by reason of the supervening death of petitioner Romy Juri; and (c) declare this case **CLOSED** and **TERMINATED**. No costs.

Let entry of judgment be issued immediately.

²⁶ Id. at 113-116.

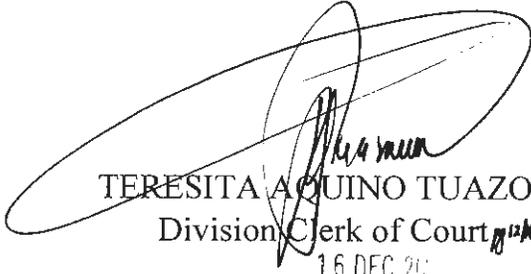
²⁷ Id. at 117.

²⁸ See *People v. Maylon*, G.R. No. 240664, June 22, 2020.

²⁹ See *People v. Monroyo*, G.R. No. 223708, October 8, 2019; *People v. Antido*, 828 Phil 147 (2018); *People v. Culas*, 810 Phil. 205 (2017).

SO ORDERED.” (LAZARO-JAVIER, J., on official leave)

By authority of the Court:


 TERESITA AQUINO TUAZON
 Division Clerk of Court
 16 DEC 2022

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HON. PRESIDING JUDGE (reg)
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 (Crim. Case No. 12875)

JUDGMENT DIVISION (x)
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*For this resolution only
Please notify the Court of any change in your address.
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