



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 **January 16, 2023** which reads as follows:*

“G.R. No. 250996 (Edwin Reyes y Castro @ “Pilay,” Petitioner, v. People of the Philippines, Respondent). – In a Resolution¹ dated November 24, 2021, the Court granted the appeal and reversed and set aside the Decision dated June 26, 2019 and the Resolution dated December 9, 2019 of the Court of Appeals in CA-G.R. CR No. 41014. The *fallo* of the Resolution reads:

WHEREFORE, the petition is GRANTED. The Decision dated June 26, 2019 and the Resolution dated December 9, 2019 rendered by the Court of Appeals in CA-G.R. CR No. 41014 are REVERSED and SET ASIDE. Petitioner Edwin Reyes y Castro is ACQUITTED.

The Director General of the Bureau of Corrections, Muntinlupa City is ORDERED to: (a) cause the immediate release of Edwin Reyes y Castro, unless he is being held in custody for any other lawful reason; and (b) inform the Court of the action taken within five (5) days from receipt of this Resolution.

Let entry of judgment be issued immediately.

SO ORDERED.²

However, it was only in a Letter³ dated March 28, 2022 that CSO4 Cesar T. Grecia, Chief Administrator of Inmate Documents and Processing Division, Bureau of Corrections, Muntinlupa City, informed the Court that Edwin Reyes y Castro, *alias* “Pilay” (petitioner), already

¹ *Rollo*, pp. 150-158.

² *Id.* at 157.

³ *Id.* at 180.

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died on May 17, 2020, or 18 months prior to the Court's Resolution acquitting petitioner. Petitioner's death is evidenced by Notice of Death⁴ issued by CTCI Raquel M. Manalastas, MD, Medical Officer of NBP Hospital.

Accordingly, the death of an accused prior to his final conviction has the effect of dismissing the criminal cases filed against him.⁵ In the case, petitioner's death necessarily leads to the reconsideration and setting aside of the Court's Resolution dated November 24, 2021. Consequently, the Court enters a new one dismissing the criminal case filed against him.

Under Article 89 (1) of the Revised Penal Code, criminal liability is totally extinguished by the death of the accused.⁶ 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.

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

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. Corollary, 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

⁴ Id. at 181.

⁵ *People v. Mylton*, G.R. No. 240664, June 22, 2020.

⁶ Id.

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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.⁷

All told, because of petitioner's death pending appeal of his conviction, the criminal action is now extinguished as there is no longer a defendant to stand as the accused in the case.⁸

WHEREFORE, the Court resolves to: (a) **SET ASIDE** the Court's Resolution dated November 24, 2021; (b) **RECALL** the Entry of Judgment dated November 24, 2021; (c) **DISMISS** Criminal Case No. 15-0370-MN before the Regional Trial Court, Branch 286, Navotas City, because of the death of petitioner Edwin Reyes y Castro, *alias* "Pilay," and (d) **DECLARE** the instant case **CLOSED** and **TERMINATED**.

The Court further resolves to **ORDER** CSO4 Cesar T. Grecia, Chief Administrator of Inmate Documents and Processing Division, Bureau of Corrections, Muntinlupa City to **SHOW CAUSE**, within a non-extendible period of five (5) days from notice hereof, why he should not be administratively liable for belatedly informing the Court of the death of petitioner.

⁷ *People v. Monroyo*, G.R. No. 223708, October 9, 2019.

⁸ *People v. Culas*, G.R. No. 211166, 810 Phil. 205 (2017).

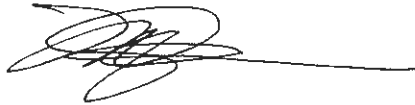
Let entry of final judgment be issued immediately.

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}

03 MAR 2023

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[For uploading pursuant to A.M. No. 12-7-SC]

EDWIN REYES y CASTRO @ “PILAY”
(deceased)

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

THE DIRECTOR (reg)
Bureau of Corrections
1770 Muntinlupa City

COURT OF APPEALS (x)
Ma. Orosa Street
Ermita, 1000 Manila
CA-G.R. CR No. 41014

HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 286
Navotas City
(Crim. Case No. 15-0370-MN)

*For this resolution only
Please notify the Court of any change in your address.
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