



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **March 15, 2023** which reads as follows:*

“**G.R. No. 258209** (*People of the Philippines v. Felipe Oroca y Cadayong*). — Before this Court is an ordinary appeal¹ assailing the Court of Appeals (CA) Decision² dated 16 January 2020 in CA-G.R. CR-H.C. No. 12912, which affirmed the Regional Trial Court (RTC) Decision³ dated 10 October 2018 in Criminal Case No. 2027-M-2011 finding accused-appellant Felipe Oroca y Cadayong (accused-appellant) guilty of Rape under Article 266-A, Revised Penal Code⁴ (RPC), as amended by Republic Act No. 8353.

In a letter⁵ dated 16 June 2022, the Bureau of Corrections manifested that accused-appellant died on 22 August 2020 and attached copies of his Death Certificate⁶ from the New Bilibid Hospital.

Under prevailing law and jurisprudence,⁷ considering that accused-appellant has died during the pendency of his appeal, the Court resolves to dismiss the case against him as his death, pending final disposition of his appeal, extinguishes his criminal liability in accordance with Art. 89(1), RPC, thus:

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;

¹ Rollo, pp. 3–5. See Notice of Appeal dated 31 January 2020.

² Id. at 8–15-A. See also CA rollo, pp. 70–78. Penned by Acting Presiding Justice Remedios A. Salazar Fernando, and concurred in by Associate Justices Edwin D. Sorongon and Geraldine C. Fiel-Macaraig.

³ Id. at 17–22. See also CA rollo, pp. 49–51 (dorsal side). Penned by Judge Gorgonio B. Elarmo, Jr.

⁴ Entitled “AN ACT REVISING THE PENAL CODE AND OTHER PENAL LAWS.” Approved on: 8 December 1930.

⁵ Id. at 32.

⁶ Id.

⁷ See *People v. Corrobella*, G.R. No. 231878, 14 October 2020.

Moreover, as held in *People v. Caloring*,⁸ the civil liability of accused-appellant arising from criminal liability (civil liability *ex delicto*) is also extinguished by death pending appeal.⁹

1. Death of the accused pending appeal of his[/her] conviction extinguishes his[/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[/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*.”[sic]

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 x x x 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 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[/her] 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 (Emphases in the original)

In light of his death, the instant criminal action against deceased accused-appellant must be dismissed inasmuch as he can no longer stand as an accused herein. In the same vein, the civil action impliedly instituted for the recovery of the civil liability *ex delicto* is also *ipso facto* dismissed, grounded as it is on the criminal action.¹¹

⁸ G.R. No. 250980, 15 March 2022.

⁹ Id., citing *People v. Bayotas*, 306 Phil. 266, 282–284 (1994).

¹⁰ Id.


¹¹ *People v. Bernardo*, G.R. No. 242696, 11 November 2020, citing *People v. Monroyo*, G.R. No. 223708, 09 October 2019.

WHEREFORE, in view of the death of accused-appellant Felipe Oroca y Cadayong pending appeal of his conviction for the crime of Rape, the instant ordinary appeal is **DISMISSED**, and the assailed Court of Appeals Decision dated 16 January 2020 in CA-G.R. CR-H.C. No. 12912 is **SET ASIDE**. The case is declared **CLOSED** and **TERMINATED**.

Let entry of judgment be issued immediately.

SO ORDERED.”

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court

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Court of Appeals (x)
Manila
(CA-G.R. CR-HC No. 12912)

The Hon. Presiding Judge
Regional Trial Court, Branch 77
Malolos City, 3000 Bulacan
(Crim. Case No. 2027-M-2011)

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