



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated **October 10, 2022** which reads as follows:

“**G.R. No. 241578 (Maxwell Generoso y Catarata, petitioner v. People of the Philippines, respondent)**. — This Court resolves a Petition for Review on *Certiorari*¹ filed by petitioner Maxwell Generoso y Catarata (*Generoso*) seeking the reversal of the Decision² dated February 9, 2018 and the Resolution³ dated June 28, 2018 of the Court of Appeals (*CA*) in CA-G.R. CR-H.C. No. 02150. The *CA* upheld the Judgment⁴ dated September 9, 2015 of the Regional Trial Court, Branch 30 of Dumaguete City (*RTC*) in Criminal Case No. 2014-22304, which found Generoso guilty of violating Section 5, Article II of Republic Act No. 9165, and sentenced him to suffer life imprisonment and fined in the amount of ₱500,000.00.

On June 23, 2021, Atty. Rommel L. Erames, as counsel for Generoso, filed a Compliance dated June 22, 2021, stating that his client died in prison.⁵ Attached to the said Compliance is a Death Certificate signed by Jonathan C. Amante, M.D., the attending physician of Holy Child Hospital, Dumaguete City, to attest to the date of death.⁶ It thus appears that petitioner passed away during the pendency of his appeal before this Court.

Article 89(1) of the Revised Penal Code provides for the consequence of the accused’s supervening death as follows:

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;

X X X X

¹ Rollo, pp. 12-31.

² Penned by Associate Justice Gabriel T. Robeniol, with Associate Justices Gabriel T. Ingles and Marilyn B. Lagura-Yap, concurring; *id.* at 172-188.

³ *Id.* at 201-203.

⁴ Rendered by Judge Rafael Crescencio C. Tan, Jr.; *id.* at 45-56.

⁵ *Id.* at 247-249.

⁶ *Id.* at 250.

In *People v. Bayotas*,⁷ the effects of the death of an accused pending appeal of his conviction were further discussed 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. 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 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.⁸ (Citations omitted; italics in the original)

Thus, the criminal liability and civil liability *ex delicto* of petitioner are totally extinguished with his death occurring before final judgment. As there is no longer a defendant to stand as the accused,⁹ this Court resolves to close and terminate the instant criminal action, owing to the untimely demise of petitioner.

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

⁸ *Id.* at 282-284.

⁹ *Martel v. People*, G.R. Nos. 224720-23 and 224765-68, February 2, 2021 [Per J. Caguioa, En Banc]. This pinpoint citation refers to the copy of this Decision uploaded to the Supreme Court website.

FOR THIS REASON, the criminal liability and civil liability *ex delicto* of Maxwell Generoso y Catarata in Criminal Case No. 2014-22304 are **EXTINGUISHED** by reason of his death. The case is hereby declared **CLOSED** and **TERMINATED**.

Let entry of 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 ^{0111 4/19}

19 JUN 2023

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HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 30
Dumaguete City
(Crim. Case No. 2014-22304)

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