



SUPREME COURT OF THE PHILIPPINES
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Republic of the Philippines
Supreme Court
Manila

SPECIAL SECOND DIVISION

PEOPLE OF THE G.R. No. 228819
PHILIPPINES,

Plaintiff-Appellee, Present:

- versus -

JEFFREY SANTIAGO y
MAGTULOY,

Accused-Appellant.

CARPIO, J., Chairperson,
PERALTA,
PERLAS-BERNABE,
CAGUIOA, and
A. REYES, JR., JJ.

Promulgated:

24 JUL 2019

x-----*W. Cabalag*-----x

RESOLUTION

PERLAS-BERNABE, J.:

In a Resolution¹ dated September 4, 2017, the Court affirmed the Decision² dated July 5, 2016 of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 07316 finding accused-appellant Jeffrey Santiago y Magtuloy (Santiago) guilty beyond reasonable doubt of Robbery with Homicide, the pertinent portion of which reads:

WHEREFORE, the Court **ADOPTS** the findings of fact and conclusions of law in the July 5, 2016 Decision of the CA in CA-G.R. CR-HC No. 07316 and **AFFIRMS with MODIFICATION** said Decision finding accused-appellant Jeffrey Santiago y Magtuloy **GUILTY** beyond reasonable doubt of the crime of Robbery with Homicide, as defined and penalized under Article 294 of the Revised Penal Code, sentencing him to suffer the penalty of *reclusion perpetua* and to pay the following amounts: (a) ₱75,000.00 as civil indemnity; (b) ₱75,000.00 as moral damages; (c)

¹ Rollo, pp. 25-26.
² Id. at 2-15. Penned by Associate Justice Danton Q. Bueser with Associate Justices Apolinario D. Bruselas, Jr. and Renato C. Francisco, concurring.

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₱75,000.00 as exemplary damages; and (d) ₱50,000.00 as temperate damages, with legal interest at the rate of 6% per annum on all amounts due from the date of finality of this Resolution until full payment.³

However, it appears that based on a letter⁴ dated June 13, 2017 from the Bureau of Corrections, Santiago had already died on October 11, 2016, as evidenced by the Notice⁵ issued by the New Bilibid Prison Hospital and Certificate of Death⁶ attached thereto. Notably, this means that Santiago had already passed away during the pendency of the criminal case against him, since the same was resolved by the Court only through the aforesaid Resolution⁷ dated September 4, 2017, which attained finality on December 6, 2017.⁸

Under prevailing law and jurisprudence, Santiago's death prior to his final conviction by the Court should have resulted in the dismissal of the criminal case against him. Article 89 (1) of the Revised Penal Code provides that criminal liability is **totally extinguished** by the death of the accused, to wit:

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

Likewise, the civil action instituted for the recovery of the civil liability *ex delicto* is also *ipso facto* extinguished, as it is grounded on the criminal action. The rationale behind this rule is that upon an accused-appellant's death pending appeal of his conviction, the criminal action is deemed extinguished inasmuch as there is no longer a defendant to stand as the accused.⁹

Nonetheless, the Court clarified in *People v. Culas*¹⁰ that in such an instance, the accused's civil liability in connection with his acts against the victim may be based on sources other than delicts; in which case, the victim may file a separate civil action against the accused's estate, as may be warranted by law and procedural rules, *viz.*:

³ Id. at 25.

⁴ Signed by Director General Atty. Benjamin C. De Los Santos and received by the Court on June 19, 2017; id. at 32.

⁵ Dated October 12, 2016 and signed by Medical Officer III Gerbert S. Madlang-Awa, M.D.; id. at 56.

⁶ Id. at 57.

⁷ Id. at 25-26.

⁸ See Entry of Judgment; id. at 44.

⁹ See *People v. Culas*, 810 Phil. 205, 209 (2017).

¹⁰ Id.

From this lengthy disquisition, we summarize our ruling herein:

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 *sensu 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.¹¹

Therefore, had the Court been timely made aware of Santiago’s supervening death in the interim, his conviction would not have been affirmed as his criminal liability and civil liability *ex delicto* in connection therewith have been already extinguished. Given the foregoing, while the Court acknowledges that the Resolution dated September 4, 2017 affirming Santiago’s criminal and civil liability had already attained finality, and hence, covered by the doctrine on immutability on judgments, the Court deems it apt to rectify the situation by setting aside the said Resolution, as well as the Entry of Judgment dated December 6, 2017. In *People v. Layag*,¹² the Court explained that it has the power to relax the doctrine of immutability of judgment if, *inter alia*, there exists special or compelling

¹¹ Id. at 208-209; citing *People v. Layag*, 797 Phil. 386, 390-391 (2016).

¹² Id.

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circumstances therefor, as in this case, when the Court was belatedly informed of Santiago's supervening death pending his appeal:

Under the doctrine of finality of judgment or immutability of judgment, a decision that has acquired finality becomes immutable and unalterable, and may no longer be modified in any respect, even if the modification is meant to correct erroneous conclusions of fact and law, and whether it be made by the court that rendered it or by the Highest Court of the land. Any act which violates this principle must immediately be struck down. **Nonetheless, the immutability of final judgments is not a hard and fast rule as the Court has the power and prerogative to relax the same in order to serve the demands of substantial justice considering: (a) matters of life, liberty, honor, or property; (b) the existence of special or compelling circumstances; (c) the merits of the case; (d) a cause not entirely attributable to the fault or negligence of the party favored by the suspension of the rules; (e) the lack of any showing that the review sought is merely frivolous and dilatory; and (f) that the other party will not be unjustly prejudiced thereby.**¹³


Finding the aforesaid exception to be applicable, the Court therefore sets aside its Resolution dated September 4, 2017 and Entry of Judgment dated December 6, 2017 in connection with this case. Consequently, the Court hereby dismisses Criminal Case No. G-7541 before the Regional Trial Court of Guagua, Pampanga, Branch 51 by reason of Santiago's supervening death prior to his final conviction.

WHEREFORE, the Court resolves to: (a) **SET ASIDE** the Court's Resolution dated September 4, 2017 and Entry of Judgment dated December 6, 2017; (b) **DISMISS** Criminal Case No. G-7541 before the Regional Trial Court of Guagua, Pampanga, Branch 51 by reason of the death of accused-appellant Jeffrey Santiago y Magtuloy; and (c) **DECLARE** this case **CLOSED** and **TERMINATED**. No costs

SO ORDERED.


ESTELA M. PERLAS-BERNABE
Associate Justice

WE CONCUR:


ANTONIO T. CARPIO
Senior Associate Justice
Chairperson

¹³ Id. at 389, citing *Bigler v. People*, 782 Phil. 158, 166 (2016); emphases and underscoring supplied.

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Let entry of final judgment be issued immediately.

SO ORDERED.


ESTELA M. PERLAS-BERNABE
Associate Justice

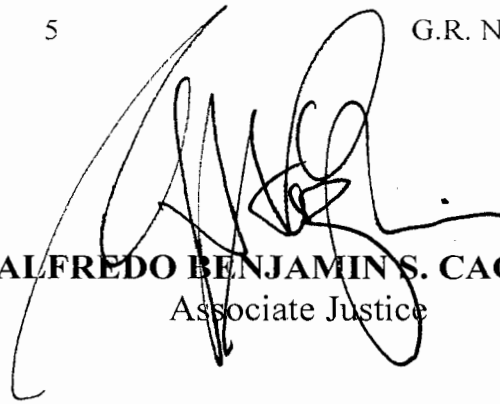
WE CONCUR:


ANTONIO T. CARPIO
Senior Associate Justice
Chairperson

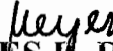
¹³ Id. at 389, citing *Bigler v. People*, 782 Phil. 158, 166 (2016); emphases and underscoring supplied.



DIOSDADO M. PERALTA
Associate Justice



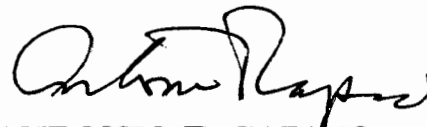
ALFREDO BENJAMINS S. CAGUIOA
Associate Justice



ANDRES B. REYES, JR.
Associate Justice

ATTESTATION

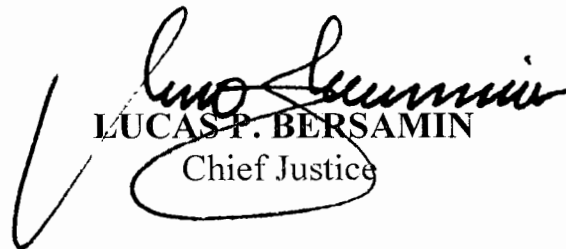
I attest that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



ANTONIO T. CAPIO
Senior Associate Justice
Chairperson, Special Second Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, and the Division Chairperson's Attestation, I certify that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



LUCAS P. BERSAMIN
Chief Justice