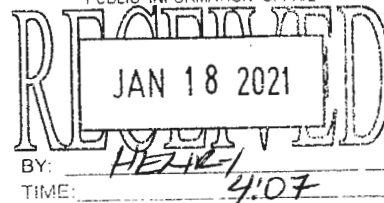




Republic of the Philippines  
Supreme Court  
Manila

SPECIAL THIRD DIVISION

SUPREME COURT OF THE PHILIPPINES  
PUBLIC INFORMATION OFFICE



NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated **August 26, 2020**, which reads as follows:

**G.R. No. 213608 – (PEOPLE OF THE PHILIPPINES, plaintiff-appellee, versus BRGY. CAPTAIN EDILBERTO MENDOZA alias “EDDIE,” accused-appellant.)** - In a Decision dated September 4, 2012, the Regional Trial Court, Fourth Judicial Branch, Pallocan West, Batangas City, Branch 4, in Criminal Case No. 13494, found accused-appellant Brgy. Captain Edilberto Mendoza alias “Eddie” (accused-appellant), guilty beyond reasonable doubt of the crime of Murder.<sup>1</sup>

On appeal, the Court of Appeals (CA), in a Decision<sup>2</sup> dated March 31, 2014, affirmed accused-appellant’s conviction with modification as to imposition of legal interest on the the award of indemnity and damages.<sup>3</sup>

Aggrieved, accused-appellant filed a Notice of Appeal<sup>4</sup> from the CA’s Decision.

On February 15, 2017, the Court rendered its Resolution<sup>5</sup> affirming the CA’s Decision with modifications, the dispositive portion of which reads:

**WHEREFORE**, the Court **AFFIRMS** the decision promulgated on March 31, 2014 subject to the **MODIFICATIONS** that: (a) the civil indemnity, moral damages and exemplary damages for the heirs of Meynard Abu shall be in the amount of ₱75,000.00 each; (b) the award of ₱76,000.00 as unrealized earnings and income is upheld; (c) the award of ₱25,000.00 as temperate damages is deleted; (d) all the subsisting awards as herein modified shall earn interest of 6% *per annum* reckoned from the finality of this judgment until fully paid.

<sup>1</sup> *Rollo*, pp. 2-3, 35. Penned by Judge Albert A. Kalalo.

<sup>2</sup> *Id.* at 2-13. Penned by Associate Justice Japar B. Dimaampao with Associate Justices Elihu A. Ybañez and Melchor Q.C. Sadang, concurring.

<sup>3</sup> *Id.* at 12.

<sup>4</sup> *Id.* at 14-25.

<sup>5</sup> *Id.* at 35-41.

The accused shall pay the costs of suit.

x x x x

**SO ORDERED.**<sup>6</sup>

On April 5, 2017, the Public Attorney's Office (PAO), representing accused-appellant, filed a Manifestation<sup>7</sup> informing the Court that accused-appellant had already died on August 19, 2016. The PAO also undertook to forward to the Court a copy of the Death Certificate of accused-appellant upon receipt thereof by accused-appellant's family or the Director of the New Bilibid Prison.<sup>8</sup>

On April 20, 2017, the PAO submitted to the Court a certified true copy of accused-appellant's Death Certificate,<sup>9</sup> showing that accused-appellant died on August 19, 2016 due to cardiac arrest.<sup>10</sup>

Considering that accused-appellant's death transpired before the judgment of conviction became final, his criminal liability and civil liability arising from his criminal liability are totally extinguished. Article 89, paragraph 1 of the Revised Penal Code provides:

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.

In *People v. Bayotas*,<sup>11</sup> the rules on the effect of the death of the accused on his liability pending review of his conviction were summarized by the Court 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

<sup>6</sup> Id. at 40-41.

<sup>7</sup> Id. at 42-44.

<sup>8</sup> Id.

<sup>9</sup> Id. at 54 including dorsal portion.

<sup>10</sup> Id. at 49.

<sup>11</sup> G.R. No. 102007, September 2, 1994, 236 SCRA 239.

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.<sup>12</sup> (Emphasis and underscoring supplied).

Thus, applying these established rules in the instant case, the death of accused-appellant, prior to the finality of the judgment of conviction, extinguished his criminal liability inasmuch as there is no longer a defendant to stand as the accused. The civil action is also extinguished, grounded as it is on the criminal action.<sup>13</sup> Consequently, the Court's February 15, 2017 Resolution, though affirming accused-appellant's conviction and adjudging him civilly liable, has been rendered irrelevant and ineffectual and must be set aside. However, the Court clarifies that the heirs of the victim may file a separate civil action against the estate of accused-appellant, as may be warranted by law and procedural rules.<sup>14</sup>

**WHEREFORE**, the Court **RESOLVES** to:

- (a) **RECALL and SET ASIDE** its February 15, 2017 Resolution;
- (b) **DISMISS** Criminal Case No. 13494 before the Regional Trial Court, Fourth Judicial Region, Pallocan West, Batangas City, Branch 4, by reason of the death of accused-appellant Brgy. Captain Edilberto Mendoza alias "Eddie;" and
- (c) **DECLARE** the instant case **CLOSED and TERMINATED**.

<sup>12</sup> Id. at 255-256.

<sup>13</sup> See *People v. Egagamao*, G.R. No. 218809, August 3, 2016, 799 SCRA 507, 514.

<sup>14</sup> *People v. Dimaala*, G.R. No. 225054, July 17, 2017, 831 SCRA 270, 273.

**SO ORDERED.** (BALTAZAR-PADILLA, J., as replacement Member vice REYES, A., JR., J. (ret.) per Section 8, Rule 2 of the Internal Rules of the Supreme Court, as amended)

By authority of the Court:

*Mis DCS Batt*  
**MISAELO DOMINGO C. BATTUNG III**  
*Division Clerk of Court*  
GER  
11/7/21

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The Presiding Judge  
REGIONAL TRIAL COURT  
Branch 4, 4200 Batangas City  
(Crim. Case No. 13494)

Asec. Melvin Ramon G. Buenafe  
Deputy Director General for Operation  
New Bilibid Prison  
BUREAU OF CORRECTIONS  
1770 Muntinlupa City

The Superintendent  
New Bilibid Prison  
BUREAU OF CORRECTIONS  
1770 Muntinlupa City

G.R. No. 213608

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