



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated January 26, 2021 which reads as follows:*

**“G.R. No. 229202– PEOPLE OF THE PHILIPPINES, plaintiff-appellee, versus MARITES BULACLAC y ALCOVINDAS, accused-appellant.**

In its Decision<sup>1</sup> dated September 26, 2013, in Criminal Case No. 09-346, Regional Trial Court, Muntinlupa City (RTC), Branch 204, found accused-appellant Marites Bulaclac y Alcovindas (accused-appellant) guilty beyond reasonable doubt of the crime of violation of Section 5,<sup>2</sup> Article II of Republic Act (R.A.) No. 9165,<sup>3</sup> otherwise known as the “Comprehensive Dangerous Drugs Act of 2002.”

On appeal, the Court of Appeals affirmed accused-appellant’s conviction in its Decision<sup>4</sup> dated November 3, 2015.

On November 26, 2015, a Notice of Appeal/Compliance<sup>5</sup> was filed by accused-appellant through counsel before the Court of Appeals.

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**195-B**

<sup>1</sup> CA rollo, pp. 63-75. Penned by Presiding Judge Juanita T. Guerrero.

<sup>2</sup> The relevant portion of the provision reads:

Section 5. *Sale, Trading, Administration, Dispensation, Delivery, Distribution and Transportation of Dangerous Drugs and/or Controlled Precursors and Essential Chemicals.* — The penalty of life imprisonment to death and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person, who, unless authorized by law, shall sell, trade, administer, dispense, deliver, give away to another, distribute, dispatch in transit or transport any dangerous drug, including any and all species of opium poppy regardless of the quantity and purity involved, or shall act as a broker in any of such transactions.

<sup>3</sup> AN ACT INSTITUTING THE COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002, REPEALING REPUBLIC ACT NO. 6425, OTHERWISE KNOWN AS THE DANGEROUS DRUGS ACT OF 1972, AS AMENDED, PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES, approved June 7, 2002.

<sup>4</sup> Rollo, pp. 2-18. Penned by Associate Justice Carmelita Salandanan-Manahan with Associate Justices Japar B. Dimaampao and Franchito N. Diamante concurring.

<sup>5</sup> CA rollo, pp. 133-135.

24

While the case was pending appeal before this Court, Jose Ramon C. Padua, Officer-in-Charge, Rehabilitations Operations Division of the Bureau of Corrections, informed the Court through a letter<sup>6</sup> dated February 20, 2018, that accused-appellant had died on December 15, 2017.

In compliance with the Resolution dated October 10, 2018,<sup>7</sup> the Court required the Superintendent of the Correctional Institution for Women (CIW), Mandaluyong City, to submit a certified true copy of the death certificate of accused-appellant within 10 days from notice. Hence, in a letter<sup>8</sup> dated November 27, 2018, CSupt. Marites D. Luceño, Superintendent, of the CIW, Mandaluyong City, informed the Court that accused-appellant died on December 15, 2017, attaching thereto a Death Certificate<sup>9</sup> dated December 15, 2017, issued by Emma R. Rivera, the Head of Medical Records Department, Mandaluyong City Medical Center, as well as a letter-information<sup>10</sup> issued on even date by CTSO II Charlen L. Morato, RN, Nurse on Duty, CIW.

In view of accused-appellant's supervening death pending appeal, Article 89(1) of the Revised Penal Code becomes relevant. Said 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.

Moreover, in *People v. Bayotas*,<sup>11</sup> the Court explained how the death of an accused pending appeal affects his liabilities, as follows:

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

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**195-B**

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<sup>6</sup> *Rollo*, p. 45.

<sup>7</sup> *Id.* at 47.

<sup>8</sup> *Id.* at 48.

<sup>9</sup> *Id.* at 49.

<sup>10</sup> *Id.* at 50.

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

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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*.”<sup>12</sup>

Thus, the criminal liability of accused-appellant is totally extinguished by her death pending appeal of her conviction as there is no longer a defendant to stand as the accused-appellant.<sup>13</sup> Further, given that a violation of R.A. No. 9165 does not entail any civil liability, it follows that no civil liability needs extinguishment.<sup>14</sup>

**WHEREFORE**, in view of the death of accused-appellant Marites Bulaclac y Alcovindas on December 15, 2017, the Court **RESOLVES** to:

- a. **DISMISS** Criminal Case No. 09-346 before Branch 204, Regional Trial Court, Muntinlupa City; and
- b. **DECLARE** the instant case **CLOSED** and **TERMINATED**.

**SO ORDERED.”**

**By authority of the Court:**

  
**LIBRADA C. BUENA**  
Division Clerk of Court

by:

**MARIA TERESA B. SIBULO**  
Deputy Division Clerk of Court  
**195-B** <sup>Jan 17</sup>

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

<sup>13</sup> See *People v. Maylon*, G.R. No. 240664, June 22, 2020, accessed at <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/66362>>.

<sup>14</sup> *People v. Palencia*, G.R. No. 230067, November 20, 2017.

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Court of Appeals (x)  
Manila  
(CA-G.R. CR HC No. 06426)

The Hon. Presiding Judge  
Regional Trial Court, Branch 204  
1770 Muntinlupa City  
(Crim. Case No. 09-346)

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**195-B**

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