



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated February 10, 2021 which reads as follows:*

**“G.R. No. 235786 (People of the Philippines v. Freddie Vallejo y Sasi).** - In Criminal Case Nos. 10638, 10705, and 10706, accused-appellant Freddie Vallejo y Sasi was charged before the Regional Trial Court (RTC) of Balanga City, Bataan with one (1) count of Acts of Lasciviousness and two (2) counts of rape, in relation to Republic Act (R.A.) No. 7610, and qualified by the circumstance of minority and relationship.

On May 31, 2016, the RTC rendered its Judgment<sup>1</sup> finding Vallejo guilty of the crimes charged, the dispositive portion of which provides:

WHEREFORE, in light of all the foregoing, the Court finds accused FREDDIE VALLEJO y SASI –

(1) GUILTY beyond reasonable doubt of the crime of “Acts of Lasciviousness in relation to R.A. No. 7610” under Criminal Case No. 10638, qualified by the aggravating circumstance of minority and relationship, the Court sentences the accused FREDDIE VALLEJO y SASI to suffer the indeterminate penalty of imprisonment ranging from thirteen (13) years, nine (9) months and eleven (11) days of *reclusion temporal*, as minimum, to sixteen (16) years and five (5) months and ten (10) days of *reclusion temporal*, as maximum.

In addition, accused FREDDIE VALLEJO y SASI is ordered to pay AAA the following:

1. civil indemnity in the amount of P20,000.00
2. moral damages in the amount of P15,000.00
3. exemplary damages in the amount of P15,000.00

- over – five (5) pages ...

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<sup>1</sup> Penned by Presiding Judge Marion Jacqueline P. Poblete; CA rollo, pp. 48-62.

4. fine in the amount of P15,000.00
5. interest on all damages awarded at the legal rate of 6% per annum from the date of finality of this judgment until full payment.

(2) GUILTY beyond reasonable doubt of two (2) counts of “Rape in Relation to R.A. 7610” under Criminal Case Nos. 10705 and 10706, qualified by the aggravating circumstance of minority and relationship, the Court sentences the accused FREDDIE VALLEJO y SASI to suffer the penalty of DEATH. However, by virtue of R.A. 9346, the accused FREDDIE VALLEJO y Sasi is hereby sentenced to suffer the penalty of *reclusion perpetua*, without eligibility of parole for each count.

Further, accused FREDDIE VALLEJO y SASI is ordered to pay AAA the following:

1. civil indemnity in the amount of P75,000.00 for each count;
2. moral damages in the amount of P50,000.00 for each count;
3. exemplary damages in the amount of P30,000.00 for each count;
4. interest on all damages awarded at the legal rate of 6% per annum from the date of finality of this judgment until full payment.

SO ORDERED.<sup>2</sup>

In its Decision<sup>3</sup> dated July 13, 2017, the Court of Appeals (CA) affirmed *in toto* the RTC ruling. On August 16, 2017, Vallejo filed his Notice of Appeal<sup>4</sup> expressing his intention to appeal the CA Decision before Us.

Then, on February 12, 2018, the Court issued a Resolution<sup>5</sup> requiring the parties to file their respective supplemental briefs, if they so desired, within thirty (30) days from notice. Consequently, Vallejo manifested that he would no longer file a Supplemental Brief as he has exhaustively discussed the assigned errors in his Appellant’s Brief.<sup>6</sup> The Office of the Solicitor General similarly manifested that it had already discussed its arguments in its Appellee’s Brief.<sup>7</sup>

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<sup>2</sup> *Id.* at 61-62. (Citations omitted)

<sup>3</sup> Penned by Associate Justice Danton Q. Bueser, with Associate Justices Apolinario D. Bruselas, Jr. and Marie Christine Azcarraga-Jacob, concurring; *rollo*, pp. 2-15.

<sup>4</sup> *Id.* at 16-17.

<sup>5</sup> *Id.* at 21-22.

<sup>6</sup> *Id.* at 28.

<sup>7</sup> *Id.* at 23.

The Court, however, received a letter<sup>8</sup> from CTC Insp. Albert O. Manalo, LLB, Officer-in-Charge of the Inmates Documents and Processing Division at the New Bilibid Prison, Muntinlupa City, which states:

This is to inform the Honorable Court of the death on June 2, 2020 of Person Deprived of Liberty (PDL) FREDDIE VALLEJO y SASI with Prison No. N216P-1978, accused-appellant in G.R. No. 235786, as shown by the Notice of Death hereto attached.

For your information and proper disposition.

Subsequently, the Court received Vallejo's Death Certificate<sup>9</sup> on December 1, 2020.

Under prevailing jurisprudence, accused-appellant's death prior to his final conviction by the Court renders dismissible the criminal case against him.<sup>10</sup> Likewise, Paragraph 1 of Article 89 of the Revised Penal Code, as amended, provides that the death of an accused pending his appeal extinguishes both his criminal and civil liability *ex delicto*. Thus:

Art. 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 therefore is extinguished only when the death of the offender occurs before final judgment[.]

In *People v. Bayotas*, the Court construed the above provision and pronounced these guidelines:

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:

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<sup>8</sup> *Id.* at 41.

<sup>9</sup> *Id.* at 45.

<sup>10</sup> *People v. Calomia*, G.R. No. 229856 (Resolution), November 20, 2017.

- 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.<sup>11</sup>

The death of an accused pending the appeal of his conviction extinguishes the criminal action, as there is no longer a defendant to stand as the accused; and the civil action instituted therein for the recovery of civil liability *ex delicto* is, likewise, *ipso facto* extinguished, as it is grounded on the criminal action. Irrefragably, Vallejo's death extinguished his criminal liability and his civil liabilities directly arising from and based solely on the crime/s he committed. His conviction by the RTC, as affirmed by the CA, must, therefore, be set aside as the same had already been rendered ineffectual.

**WHEREFORE**, the Court **RESOLVES** to **SET ASIDE** the Decision dated July 13, 2017 of the Court of Appeals in CA-G.R. CR-HC No. 08393 and to **DISMISS** Criminal Case Nos. 10638, 10705, and 10706 before the Regional Trial Court of Balanga City, Bataan, by reason of the death of the sole accused therein, Freddie Vallejo y Sasi, on June 2, 2020.

The letter dated November 27, 2020 of CSInsp. Edgar N. Morillo, Acting Superintendent, New Bilibid Prison South, Bureau of Corrections, in compliance with the Resolution dated July 28, 2020,

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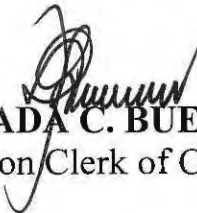
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<sup>11</sup> *Id.*

informing the Court that accused-appellant Freddie Vallejo y Sasi died last June 2, 2020 at New Bilibid Prison Hospital, with thereto attached certified true copy of Certificate of Death, is **NOTED**.

**SO ORDERED.”**

**By authority of the Court:**

  
**LIBRADA C. BUENA**  
Division Clerk of Court *mm 174*

by:

**MARIA TERESA B. SIBULO**  
Deputy Division Clerk of Court  
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The Solicitor General  
134 Amorsolo Street, Legaspi Village  
1229 Makati City

Court of Appeals (x)  
Manila  
(CA-G.R. CR HC No. 08393)

The Hon. Presiding Judge  
Regional Trial Court, Branch 3  
Balanga City, 2100 Bataan  
(Crim. Case Nos. 10638, 10705 & 10706)

The Acting Superintendent  
New Bilibid Prison South  
Bureau of Corrections  
1770 Muntinlupa City

PUBLIC ATTORNEY'S OFFICE  
Special and Appealed Cases Service  
Counsel for Accused-Appellant  
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The Director General  
Bureau of Corrections  
1770 Muntinlupa City

Mr. Freddie S. Vallejo  
Accused-Appellant  
(Deceased)

Public Information Office (x)  
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Judgment Division (x)  
Supreme Court

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