

SPECIAL SECOND DIVISION

[G.R. No. 240664, June 22, 2020]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
JONATHAN MAYLON Y ALVERO ALIAS "JUN PUKE" AND ARNEL
ESTRADA Y GLORIAN, ACCUSED-APPELLANTS.**

R E S O L U T I O N

PERLAS-BERNABE, J.:

In a Decision^[1] dated March 11, 2019, the Court affirmed the Decision^[2] dated February 23, 2018 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 09141 finding: (a) accused-appellants Jonathan Maylon y Alvero alias "Jun Puke" (Maylon) and Arnel Estrada y Glorian (Estrada; collectively, accused-appellants) guilty beyond reasonable doubt of violating Section 11, Article II of Republic Act No. 9165,^[3] otherwise known as the "Comprehensive Dangerous Drugs Act of 2002;" and (b) Maylon guilty beyond reasonable doubt of violating Section 5 of the same Act, the pertinent portion of which reads:

WHEREFORE, the appeal is **DISMISSED**. The Court **ADOPTS** the findings of fact and conclusions of law in the Decision dated February 23, 2018 of the Court of Appeals in CA-G.R. CR-HC No. 09141 and **AFFIRMS** said Decision finding accused-appellant Jonathan Maylon y Alvero **GUILTY** beyond reasonable doubt of the crimes of Illegal Sale and Illegal Possession of Dangerous Drugs, defined and penalized under Sections 5 and 11, Article II of Republic Act No. 9165, respectively, and accused-appellant Arnel Estrada y Glorian **GUILTY** beyond reasonable doubt of the crime of Illegal Possession of Dangerous Drugs, defined and penalized under Section 11, Article 11 of the same Act. Accordingly, they are hereby sentenced as follows: (a) in Criminal Case No. 2014-4405-D-MK for Illegal Sale of Dangerous Drugs, accused-appellant Jonathan Maylon y Alvero is sentenced to suffer the penalty of life imprisonment and to pay a fine of P500,000.00; (b) in Criminal Case No. 2014-4406-D-MK for Illegal Possession of Dangerous Drugs, accused-appellant Jonathan Maylon y Alvero is sentenced to suffer the penalty of imprisonment for an indeterminate period of twelve (12) years and one (1) day, as minimum, to fourteen (14) years and eight (8) months, as maximum, and to pay a fine of P300,000.00; and (c) in Criminal Case No. 2014-4407-D-MK for Illegal Possession of Dangerous Drugs, accused-appellant Arnel Estrada y Glorian is sentenced to suffer the penalty of imprisonment for an indeterminate period of twelve (12) years and one (1) day, as minimum, [to] fourteen (14) years and eight (8) months. as maximum, and to pay a fine of P300,000.00.

SO ORDERED.^[4]

Aggrieved, accused-appellants timely moved for reconsideration.^[5] Meanwhile, the Court notes the separate letters^[6] both dated June 28, 2019 from the Office of the Overseer and the Superintendent, New Bilibid Prison, informing the Court that Estrada had already died on April 26, 2018, as evidenced by his Certificate of Death^[7] issued by the Office of the Civil Register General.

In view of Estrada's supervening death, there is a need to reconsider and set aside his conviction for Illegal Possession of Dangerous Drugs in Criminal Case No. 2014-4407-D-MK and enter a new one dismissing the same.

Under prevailing law and jurisprudence, Estrada's death prior to his final conviction by the Court renders dismissible 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[.]

In *People v. Monroyo*,^[8] the Court thoroughly explained the effects of the death of an accused pending appeal on 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 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