

SPECIAL SECOND DIVISION

[G.R. No. 229943, March 18, 2019]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. EDGAR ROBLES, WILFREDO ROBLES, ROLANDO ROBLES ALIAS "BEBOT," DANTE ARON (DECEASED), DANILO ROBLES ALIAS "TOTO," JOSE ROBLES (DECEASED), ACCUSED;

EDGAR ROBLES AND WILFREDO ROBLES, ACCUSED-APPELLANTS.

R E S O L U T I O N

PERLAS-BERNABE, J.:

In a Resolution^[1] dated November 19, 2018, the Court adopted the Decision^[2] dated November 29, 2016 of the Court of Appeals (CA) in CA-G.R. CR HC No. 01430 finding accused-appellants Edgar Robles (Edgar) and Wilfredo Robles (accused-appellants) guilty beyond reasonable doubt of the crime of Murder, the pertinent portion of which reads:

WHEREFORE, the Court **ADOPTS** the findings of fact and conclusions of law in the November 29, 2016 Decision of the CA in CA-G.R. HC No. 01430 and **AFFIRMS with MODIFICATION** said Decision finding accused-appellants Edgar Robles and Wilfredo Robles **GUILTY** beyond reasonable doubt of the crime of Murder, defined and penalized under Article 248 of the Revised Penal Code. Accordingly, they are each sentenced to suffer the penalty of *reclusion perpetua*, and to solidarily pay the heirs of [Dan Elvie] Sioco the following amounts: (a) P75,000.00 as civil indemnity; (b) P75,000.00 as moral damages; (c) P75,000.00 as exemplary damages; and (d) P50,000.00 as temperate damages. Moreover, all monetary awards shall earn interest at the legal rate of six percent (6%) per annum from the date of finality of this Resolution until full payment.^[3]

However, before an Entry of Judgment could be issued in this case, the Court received a Notice of Death^[4] dated January 4, 2019 from accused-appellants' counsel informing the Court of Edgar's death on December 15, 2018, as evidenced by the Certificate of Death^[5] attached thereto.

As will be explained hereunder, there is a need to modify the Court's Resolution dated November 19, 2018 dismissing the criminal case insofar as Edgar is concerned.

Under prevailing law and jurisprudence, Edgar's death prior to his final conviction by the Court renders dismissible the criminal cases against him. Article 89 (1) of the