

## SPECIAL SECOND DIVISION

[ G.R. No. 229943, July 10, 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<sup>[1]</sup> dated November 19, 2018, the Court adopted the Decision<sup>[2]</sup> 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 solidarity 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.<sup>[3]</sup>

However, before an Entry of Judgment could be issued in this case, the Court received a Notice of Death<sup>[4]</sup> 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<sup>[5]</sup> 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 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;

x x x x

In *People v. Culas*,<sup>[6]</sup> 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 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