

SPECIAL SECOND DIVISION

[G.R. No. 194068, November 26, 2014]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. BENJIE
CONSORTE Y FRANCO, ACCUSED-APPELLANT.**

R E S O L U T I O N

PEREZ, J.:

For the resolution of the Court is the Motion for Reconsideration^[1] of our Decision dated 9 July 2014,^[2] which affirmed the conviction of accused-appellant Benjie Consorte y Franco for the murder of Elizabeth Palmar, the dispositive portion of which reads:

WHEREFORE, the Decision of the Court of Appeals dated 27 May 2010 in CA-G.R. CR HC No. 01806 is **AFFIRMED** with the following **MODIFICATIONS** (1) that the amount of civil indemnity is increased from P50,000.00 to P75,000.00; and (2) that the amount of exemplary damages is increased from P25,000.00 to P30,000.00. An interest, at the rate of six percent (6%) per annum shall be imposed on all the damages awarded in this case from the date of finality of this judgment until they are fully paid.

SO ORDERED.^[3]

Accused-appellant raises the incredibility of his identification as the perpetrator of the crime.^[4] He avers that despite the alleged positive identification made by Rolando Visbe (Visbe), the testimony of prosecution witness Aneline Mendoza clearly shows the impossibility of the same.^[5] Moreover, further casting doubt on the alleged identification of accused-appellant is Visbe's unbelievable and inconsistent statements on how such identification was made.^[6]

Meanwhile, in a Letter dated 21 September 2014,^[7] the Officer-in-Charge of the New Bilibid Prison (NBP) informed the Court that accused-appellant died on 14 July 2014, as evidenced by the attached Death Certificate issued by NBP Medical Officer III Ruth B. Algones, M.D.^[8]

Owing to this development, the Court now addresses the effect of death pending accused-appellant's appeal with regard to his criminal and civil liabilities.

Article 89' (1) of the Revised Penal Code is illuminating: