

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JOSELITO ELLIZA Y CAPINTOY, ACCUSED-APPELLANT.

Ponente: INGLES, G. T., J.

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INGLES, G. T., J.:

In a Resolution[1] dated September 11, 2014, this Court directed accused-appellant's counsel, Atty. Meljohn B. de la Pena, to submit to this Court a certified true copy of the Certificate of Death of accused-appellant.

In compliance with the said resolution, accused through counsel submitted the certified true copy of the death certificate[2]. Article 89 paragraph 1 of the Revised Penal Code explicated that “criminal liability is totally extinguished 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 VIEW OF accused-appellant's death and his counsel's compliance with this Court's directive, the instant case is DISMISSED. The Motion Requesting the Court of Appeals to Issue an Order Directing the Clerk of Court RTC Branch 37, Naval, Biliran to Release the Cash Bail of the Deceased Accused Joselito Elliza Y Capintoy to the Wife in the Sum of Php40,000.00[3] filed by accused-appellant's counsel is hereby GRANTED. The RTC, Branch 37-Caibiran, Naval, Biliran is DIRECTED to release the cash bail bond to accused-appellant's surviving spouse.

SO ORDERED.

Maxino, P.A.A., and Francisco, R.C., JJ., concur.

[1] Rollo. P. 42.

[2] Rollo. P. 44-47.

[3] Rollo. P. 33.

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