

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JAIME DAVID A.K.A. PREXY, ACCUSED-APPELLANT.

Ponente: REYES-CARPIO, A., J.

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REYES-CARPIO, A., J.:

Before Us is an appeal from the Decision^[1] dated October 16, 2013 rendered by the Regional Trial Court of Angeles City, Branch 60, in Criminal Case No. 03-417, wherein accused-appellant Jaime David a.k.a. Prexy^[2] was charged and ultimately convicted of the crime of Acts of Lasciviousness in relation to Republic Act No. 7610 (Special Protection of Children against Child Abuse, Exploitation and Discrimination Act), viz:

“WHEREFORE, premises considered, accused Jaime David a.k.a. ‘Prexy’ is hereby found guilty beyond reasonable doubt for Acts of Lasciviousness in relation to Section 5, Republic Act No. 7610 and is sentenced to suffer the indeterminate penalty of twelve (12) years, ten (10) months and twenty one (21) days of reclusion temporal, as minimum, to fifteen (15) years, six (6) months and twenty (20) days of reclusion temporal, as maximum. He is likewise ordered to pay a fine of P15,000.00 and to indemnify Katrina Jeanne Ayson P20,000.00 as civil indemnity and P15,000.00 as moral damages.

SO ORDERED.”^[3]

After the entire records of the case was transmitted to this Court, a notice to file brief was sent to the respective parties. On May 30, 2014, We received a Notice of Appearance with Motion for Extension of Time to File Appellant’s Brief, filed by the Public Attorney’s Office (PAO) as counsel for accused-appellant praying that it be given 50 days from May 30, 2014 or until July 19, 2014 within which to file the Appellant’s Brief. The aforementioned motion was granted in Our June 16, 2014 Resolution.

A copy of Our said Resolution was, however, returned unclaimed with postal notation “deceased,” thus We issued another Resolution on September 25, 2014 directing accused-appellant’s counsel to “submit to this Court within 10 days from notice [a] certified true copy of the Death Certificate of accused-appellant Jaime David.”^[4]

On November 6, 2014, We received a Motion for Extension of Time to File Compliance, filed by accused-appellant’s counsel, praying to be “given an additional period of thirty (30) days from 6 November 2014 or until 6 December 2014, within which to comply with the Resolution dated 25 September 2014.”^[5]

Later on, We received another Motion for Extension of Time, filed by accused-appellant’s counsel, praying to be “given an additional period of thirty (30) days from 6 December 2014 or until 7 January 2015, within which to comply with the Resolution dated 25 September 2014.”^[6]

Finally, on January 7, 2015, We received a copy of accused-appellant’s Certificate of Death which states that he died on August 20, 2012 due to cardio-respiratory arrest.^[7]

As a consequence of the death of the accused-appellant before rendition of final judgment, his criminal and civil liability is extinguished.^{^[8]} As held in *People vs. Paras*,^{^[9]} “the criminal action is extinguished inasmuch as there is no longer a defendant to stand as the accused; the civil action instituted therein for the recovery of civil liability ex delicto is ipso facto extinguished, grounded as it is on the criminal action.”

Furthermore, Article 89, paragraph 1 of the Revised Penal Code clearly provides that the death of an accused before final judgment extinguishes both his criminal and civil liability ex delicto:

“ART. 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 therefore is extinguished only when the death of the offender occurs before final judgment;”

Given the foregoing, the October 16, 2013 Decision of the court a quo finding accused-appellant guilty beyond reasonable doubt of the crime of Acts of Lasciviousness in relation to Republic Act No. 7610 had become irrelevant and ineffectual by reason of his death on August 20, 2012. Consequently, the same must be set aside and the case against accused-appellant must consequently be dismissed.

WHEREFORE, PAO’s twin Motions for Extension of Time for a total of 60 days from November 6, 2014 or until January 7, 2015 within which to comply with the September 25, 2014 Resolution are GRANTED.

The October 16, 2013 Decision of the Regional Trial Court of Angeles City, Branch 60, is SET ASIDE and Criminal Case No. 03-417 is DISMISSED on account of accused-appellant’s demise.

SO ORDERED.

Carandang, R.D., Chairperson and Barza, R.F., JJ., concur.

^{^[1]} Rollo, pp. 46-59

^{^[2]} Hereinafter accused-appellant

^{^[3]} Rollo, p. 59

^{^[4]} Rollo, p. 60

^{^[5]} Rollo, p. 68

^{^[6]} Rollo, p. 71

^{^[7]} Rollo, p. 89

^{^[8]} *People vs. Tugbang*, G.R. No. 76212, April 26, 1991

^{^[9]} G.R. No. 192912, October 3, 2014

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