

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JOSE SACLAO ALIAS PEPE, DEFENDANT-APPELLANT.

G.R. No. L-24940. December 26, 1969

Ponente: CASTRO, J.

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CASTRO, J.:

In criminal case 99-G of the Court of First Instance of Guimba, Nueva Ecija, the accused JOSE SACLAO alias Pepe was found guilty of the crime of murder committed on the person of one Donato Ignacio, and was accordingly sentenced on June 8, 1965 to reclusion perpetua and to the accessories provided by law, to indemnify the heirs of the said Donato Ignacio in the sum of P6,000, and to pay the costs. Appeal was seasonably taken to this Court and was docketed as G.R. No. L-24940, "The People of the Philippines vs. Jose Saciao alias Pepe."

On December 16, 1969 the Solicitor General filed a mani-festation in the said appeal. The manifestation reads as follows:

"1. That according to official information re-ceived from Col. N.C. Camello, PC Constabulary Adjutant General (please see Annex A), Jose Saclao, the appellant in the above-entitled case, is the same Jose Saclao who was a detention prisoner at the PC Stockade, Camp Crame, Quezon City, since July 29, 1969 until his escape and death on September 8, 1969;

"2. That the personal data as compiled by the Philippine Constabulary on the person of the same Jose Saclao may be found in Annex A-1 hereof, and further, that the circumstances that occurred immediately prior to and after the demise of herein appelland are stated in Annex A-2 hereof, and finally, that his death is certified to in the Certificate of Death and Certificate of Post Mortem Examination which are attached hereto as Annexes A-3 and A-4, respectively, all of which annexes were obtained from the Philippine Constabulary; and

"3. That other communication received from the Chief, Interpol Division, National Bureau of Investigation (Annexes B and B-1) and the Acting Dir-ector, Bureau of Prisons (Annex C) further confirms the identity of Jose Saclao as described in paragraph 1 above."

Annex A to the said manifestation is a certification dated December 10, 1969 by Colonel N.C. Camello, Adjutant General of the Philippine Constabulary, reciting "that a certain Jose Sac-lao was a detention prisoner at the PC Stockade at Camp Crame, Quezon City since 29 July 1969 till his escape and death on 8 Sep-tember 1969," and further that the said Jose Saclao "is the same Jose Saclao that was charged and convicted in Criminal Case 99--G, Court of First Instance, Nueva Ecija, for murder and which case is now on appeal before the Supreme Court." Annex A-3 is the certificate of death of the said Jose Saclao whose address is given therein as Nampicuan, Nueva Ecija. Annex A-4 is the cer-tificate of the post-mortem examination conducted on the body of Jose Saclao by the medico-legal division of the National Bureau of Investigation. Annex B-1 is a certification dated December 12, 1969 by Lt. Col. C. Perez, Chief of the Criminal Investigation Service of the Philippine Constabulary Headquarters, to the ef-fect "that Jose Saclao y de Luna, who escaped from the PC Stockade at Camp Crame, Quezon City and who was slain in San Juan, Rizal on September 8, 1969, is the same Jose Saclao who mur-dered Donato Ignacio in Nampicuan, Nueva Ecija, and for which he was committed to the National Penitentiary in

Muntinlupa, Rizal on July 1, 1965, and from where he escaped on August 11, 1965." Annex C is a letter of Director Alejo Santos of the Bureau of Prisons dated December 10, 1969, addressed to the Solicitor General, informing the latter that Jose Saciao "was convicted of murder by the Court of First Instance of Nueva Ecija in Criminal Case 99-G, and sentenced to suffer reclusion perpetua and to pay P6,000 in-demnity. Our records also show that he escaped from the New Bilibid Prisons on August 10, 1965."

It does therefore appear that Jose Saciao alias Pepe, the defendant-appellant in this appeal pending before this Court (G.R. No. L-24940), is dead.

IN VIEW of all the foregoing, this case should be as it is hereby dismissed. Costs de oficio.

Concepcion, C.J., Reyes, Dizon, Makalintal, Zaldivar, Sanchez, Fernando, Teehankee, and Barredo, JJ., concur.

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