

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. MARIO MARIANO Y ALEJANDRO ALIAS NEGRO, DEFENDANT-APPELLANT.*G.R. No. L-45966. December 14, 1978*

Ponente: PER CURIAM: It appearing that the accused has died and this case has been dismissed in so far as the criminal liability of the accused is concerned, with Justice Barredo voting for the unqualified dismissal thereof, the dispositive part of the decision is modified to read as follows: "WHEREFORE, the decision appealed from is hereby affirmed with the elimination of the death penalty imposed. The heirs of the victim, Luningning Mapola y Diwata, are entitled to recover from the estate of the accused, Mario Mariano y Alejandro alias Negro, the sum of Twelve Thousand Pesos (P12,000.00) for the death of the victim and the sum of Eight Thousand Pesos (P8,000.00) as moral damages. SO ORDERED." Castro, C.J., Fernando, Teehankee, Barredo, Makasiar, Antonio, Concepcion, Jr., Santos, Fernandez, and Guerrero, JJ., concur. Aquino, J., see concurring opinion. CONCURRING OPINION AQUINO, J.

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Castro, C.J., Fernando, Teehankee, Barredo, Makasiar, Antonio, Concepcion, Jr., Santos, Fernandez, and Guerrero, JJ., concur.

Aquino, J., see concurring opinion.

CONCURRING OPINION**AQUINO, J.:**

I concur. Appellant's civil liability was not extinguished by his death on July 2, 1978 or during the pendency of his appeal (People vs. Sendaydiego, 81 SCRA 120; Concurring opinion in People vs. Satorre, 72 SCRA 439, 441).

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