

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. BENITO SATORRE AND PAULINO RONDINA, ACCUSED-APPELLANTS.

G.R. No. L-26282. August 27, 1976

Ponente: CONCEPCION, JR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/4b4e8c4d314a/>

CONCEPCION, JR., J.:

In Criminal Case No. 2641 of the Court of First Instance of Leyte, Branch VI, the accused Benito Satorre and Paulino Rondina were found guilty beyond reasonable doubt of the crime of double murder and were sentenced to suffer the penalty of reclusion perpetua for each of the two murders, to jointly and severally indemnify the heirs of each of the deceased Carlos Espina and Loreto Silva the sum of Six Thousand Pesos (P6,000.00) without subsidiary imprisonment in case of insolvency and to pay the costs.[1]

Both accused appealed to this Court.

On February 13, 1976, a letter addressed to the Clerk of Court of this Court, was received from the Administrative Officer of the Bureau of Prisons, reading as follows:

"This is to inform that Honorable Court that defendant-appellant PAULINO RONDINA No. 8553-D in G.R. No. L-26282 (Criminal Case No. 2641 of the Court of First Instance of Leyte, Carigara), for Double Murder, died of Peptic Ulcer, Bleeding, on December 11, 1975 in the New Bilibid Prison, Hospital, Muntinlupa, Rizal."[2]

On March 31, 1976, this Court adopted the following Resolution:

"Considering the letter dated February 13, 1976 of Administrative Officer Gerardo N. San Pedro of the Bureau of Prisons, addressed to the Clerk of Court, informing this Court that accused-appellant Paulino Rondina died of peptic ulcer, bleeding on December 11, 1975 in the New Bilibid Prison Hospital, Muntinlupa, Rizal, the Court Resolved to require the Solicitor General to COMMENT on said letter within ten (10) days from notice."[31]

Pursuant to the above Resolution, the Solicitor General filed his comment,[41] on June 2, 1976, alleging among others that:

"5. Going over the ROLLO of this case with this Honorable Court, we found that the appellant Rondina hails from Leyte, Leyte (Amended Information p. 31, Roll; Minutes of April 3, 1965 session, p. 49, Roll) which address/birthplace also appears as the deceased's address/birthplace in Annex "A". Further, appellant Rondina's prison number as stated in the Death Certificate (Annex "A") is #8553-D. This is the same prisoner number stated in the letter of Administrative Officer San Pedro informing this Honorable Court of appellant Rondina's death (p. 155, Roll), although in p. 24, of the Roll, there is a letter purportedly written by the appellant to this Honorable Court withdrawing his appeal, which letter is signed: Paulino Rondina #8653-D. Notwithstanding the discrepancy, it appears that the person mentioned in the death certificate and in the records of the case are one and the same person: appellant Paulino Rondina."[5]

and, recommends that the case against the appellant Paulino Rondina be dismissed, citing the case of *People vs.*

Alison.[6]

In the cited case, this Court ruled that:

"x x x. The death of accused-appellant Bonifacio Alison having been established, and considering that there is as yet no final judgment in view of the pendency of the appeal, the criminal and civil liability of the said accused-appellant Alison was extinguished by his death."

WHEREFORE , in accordance with the prayer of the Solicitor General, the case against the appellant, the late Paulino Rondina, is dismissed with costs de oficio.

SO ORDERED.

Fernando, Acting C.J., (Chairman), Barredo, and Antonio, JJ., concur.

Aquino, J., concurs in a separate opinion.

[1] p. 307, Rollo.[2] p. 155, Rollo.

[3] p. 162, Rollo.

[4] p. 176, Rollo.

[5] p. 2, Comment.

[6] L-30612, April 27, 1972, 44 SCRA 523, 525.

CONCURRING OPINION

AQUINO, J.:

I concur in the dismissal of the appeal.

Criminal liability is totally extinguished by the death of the convict, as to the personal penalties; and as to pecuniary penalties, liability therefor is extinguished only when the death of the offender occurs before final judgment (Art. 89[1], Revised Penal Code). *Mors omnia solvit* (death dissolves all things).

The term "pecuniary penalties" (*las pecuniarias*) in article 89 refers to the fine and costs (I Viada, *Codigo Penal*, 4th Ed., p. 565). That term is not the same as the "pecuniary liabilities" (*responsabilidades pecuniarias*) in article 38 which include reparation and indemnity.

The term "final judgment" (*sentencia firme*) in article 89 means a final and executory judgment or "*la sentencia que adquiere la fuerza de las definitivas por no haberse utilizado por las partes litigantes recurso alguno contra ella dentro de los terminos y plazos legales concedidos al efecto*" (28 *Enciclopedia Juridica Española* 473).

What is the effect of the death of the accused on his civil liability? The question assumes pressing importance in case the accused is solvent. If, as in the majority of cases, the accused is insolvent, the question is often ignored. The answer may be deduced from the following rules:

1. Every person criminally liable for a felony is also civilly liable (Art. 100, Revised Penal Code). When a

criminal action is instituted, the civil action for recovery of civil liability arising from the offense charged is impliedly instituted with the criminal action, unless the offended party expressly waives the civil action or reserves his right to institute it separately (Sec. 1, Rule 111, Rules of Court).

2. The plaintiff in the criminal action is the State. Its purpose is to obtain a judgment of conviction imposing the corresponding penalty for the vindication of the disturbance to the social order caused by the offender. On the other hand, a private person is the plaintiff in the civil action. The satisfaction of the civil liability does not extinguish the criminal action. Extinction of the penal action does not carry with it extinction of the civil, unless the extinction proceeds from a declaration in a final judgment that the fact from which the civil might arise did not exist (Sec. 3[c], Rule 111, Rules of Court).

3. Although the criminal and civil actions may be joined in the criminal case, they are distinct from each other. The plaintiffs in the two actions are distinct and the objectives of the two actions are different.

Thus, even if the accused started serving his sentence within the fifteen-day period from the promulgation of the judgment of conviction by the lower court, thereby making the judgment against him final, the complainant may, within the fifteen-day reglementary period, still ask that the civil liability be fixed by the court, if the judgment does not adjudicate any civil liability. In that case, the trial court has jurisdiction to adjudge the civil liability although the judgment imposing the penalty is already final and cannot be altered by the court anymore (People and Manuel vs. Coloma, 105 Phil. 1287; Roa vs. De la Cruz, 107 Phil. 8; People vs. Ursua, 60 Phil. 252; Torrijos vs. Court of Appeals, L-40336, October 24, 1975, 67 SCRA 394).

4. The extinction of the civil liability is governed by the rules of the civil law regarding obligations (Art. 112, Revised Penal Code).

5. Actions to recover damages for an injury to person or property, real or personal, may be commenced against an executor or administrator. For the recovery or protection of the property or rights of the deceased, an executor or administrator may bring or defend, in the right of the deceased, actions for causes which survive (Secs. 1 and 2, Rule 87, Rules of Court; To Guico vs. Del Rosario, 7 Phil. 126).

As to ordinary money claims, if the defendant dies before final judgment in the Court of First Instance, the claims should be dismissed and may be prosecuted under Rule 87 of the Rules of Court (Sec. 21, Rule 3, Rules of Court). The corollary is that if death occurs after final judgment by the Court of First Instance, the action may be continued but the proper substitution of party defendant should be made under section 17 of Rule 3.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.