

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JOSEPHINE CAOILE Y JOVES, ACCUSED-APPELLANT.

Ponente: DIMAAMPAO, J.

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DIMAAMPAO, J.:

In the Manifestation and Compliance[1] dated 24 April 2014, the Public Attorney's Office (PAO), through Atty. Nina Genoveva Duenas-Dimaculangan, apprised Us of the untimely demise of accused-appellant Josephine Caoile on 23 November 2013 due to “Intracerebral Hemorrhage, Right Basal Ganglia, Hypertensive Cardiovascular Disease”. [2] Thence, the PAO prayed that the appeal of accused-appellant be dismissed.

The law in point is Article 89(1) of the Revised Penal Code which states

“ART. 89. How criminal liability is totally extinguished.— 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;

x x x

x x x”

Apropos is the case of *People v. Agacer*[3] where the Supreme Court held that upon the death of the accused-appellant pending appeal of his conviction, the action is extinguished inasmuch as there is no longer a defendant to stand as the accused; the civil action instituted therein for recovery of civil liability ex delicto is ipso facto extinguished, grounded as it is on the criminal.

Applying the aforecited jurisprudential yardstick, the death of herein accused-appellant did not only extinguish her criminal liability concerning her personal penalties but also whatever pecuniary penalties had been imposed upon her considering that she died before final judgment. A fortiori, the court a quo's Decision finding her guilty and sentencing her to suffer imprisonment becomes ineffectual.

WHEREFORE, the instant Appeal of accused-appellant Josephine Caoile is hereby DISMISSED.

SO ORDERED.

Antionio-Valenzuela[*], and Paredes[**], JJ., concur.

[*] Vice Justice Elihu A. Ybañez, per Office Order No. 179-14-RDC dated 21 April 2014.

[**] Vice Justice Carmelita S. Manahan, per Office Order No. 149-14-RSF dated 21 April 2014.

[1] Rollo, pp. 59-61.

[2] Certificate of Death, Id., p. 64.

[3] See 688 SCRA 42, 48-49 (7 January 2013).

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