PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, V. SPO2 NAPOLEON VILLAGANES, ACCUSED-APPELLANT. RESOLUTION

Ponente: ELBINIAS, J.

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ELBINIAS, J.:

On October 29, 2013, Julieta M. Villaganes, wife of accused-appellant SPO2 Napoleon Villaganes ("accused-appellant" for brevity) filed a "MANIFESTATION with Motion to Dismiss Due to Death of the Accused-Appellant"[1] ("Manifestation" for brevity) praying that accused-appellant's Appeal[2] at bench be dismissed due to accused-appellant's death.

A certified true copy of the Certificate of Death[3] of accused-appellant showing that accused-appellant died on June 26, 2013 was attached to the Manifestation[4].

As a result of accused-appellant's death, his criminal and pecuniary liabilities were extinguished, as is pursuant to Article 89 (1) of the Revised Penal Code, which provides:

> "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 therefor is extinguished only when the death of the offender occurs before final judgment. xxx" (Emphasis supplied)

The death of an accused, such as accused-appellant here, pending the appeal of his conviction extinguishes his criminal liability and civil liability ex delicto, is in accordance with the following pronouncement of the Supreme Court in People of the Philippines vs. Nelson Bayot y Satina, G.R. No. 200030, April 18, 2012:

> "From the foregoing, it is clear that the death of the accused pending appeal of his conviction extinguishes his criminal liability, as well as the civil liability ex delicto. The rationale, therefore, is that the criminal 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 case.
>
> Evidently, as this Court has pronounced in People v. Olaco and People v. Paniterce, it is already unnecessary to rule on appellant's appeal. Appellant's appeal was still pending and no final judgment had been rendered against him at the time of his death. Thus, whether or not appellant was guilty of the crime charged had become irrelevant because even assuming that appellant did incur criminal liability and civil liability ex delicto, these were totally extinguished by his death, following the provisions of Article 89(1) of the Revised Penal Code and this Court's ruling in People v. Bayotas." (Emphasis supplied)

WHEREFORE, in view of the death of accused-appellant, the Decision[5] dated June 8, 2006 of the Regional Trial Court of Malabon City, Branch 169, is SET ASIDE. Accordingly, Criminal Case No. 20279-MN is DISMISSED.

SO ORDERED.

Dicdican (Chairperson) and Paredes, JJ., concur.

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[1] Rollo, pp. 134 - 135

[2] Rollo, pp. 72 - 80

[3] Rollo, pp. 137 - 138

[4] Rollo, pp. 134 - 135

[5] Rollo, pp. 26 - 30

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