

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
BONIFACIO ALISON, JUANITO ALERTA, ENRICO CABATINGAN,
AQUINO ALVAREZ, PABLO MENDOZA, ROMULO CABATINGAN AND
PEDRO GALOPO, DE...**

G.R. No. L-30612. April 27, 1972

Ponente: FERNANDO, J.

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FERNANDO, J.:

Among the appellants sentenced to life imprisonment by the Court of First Instance of Quezon, Branch IV, for robbery in band with double murder was a certain Bonifacio Alison. On February 14, 1972, the following communication, addressed to the Clerk of Court, was received from the Administrative Officer of the Bureau of Prisons: "This is to inform the Honorable Court of the death of prisoner [Bonifacio Alison] on January 26, 1972 at the New Bilibid Prisons Hospital, Bureau of Prisons, Muntinlupa, Rizal, due to Pulmonary Tuberculosis. Prisoner Alison was sentenced to Life imprisonment by the Court of First Instance of Quezon, Branch IV, Calauag, Quezon in criminal case No. C-351, (G.R. No. L-30612) for Robbery in Band Double Murder and Attempted Murder." [1]

Under date of February 22, 1972, a resolution of the following tenor was adopted by this Court: "The Solicitor General is required to comment, within ten (10) days from notice hereof, on the letter of Exequiel Santos, Administrative Officer of the Bureau of Prisons, informing this Court of the death of prisoner Bonifacio Alison on January 26, 1972 at the New Bilibid Prisons Hospital due to Pulmonary Tuberculosis." [2]

Such a comment was received on March 27, 1972. According to the then Solicitor General, now Associate Justice, Felix Q. Antonio: "On March 15, 1972, the Director of Prisons, pursuant to the letter-request of the undersigned, submitted to the Office of the Solicitor General a copy of the certificate of death of Bonifacio Alison, Prisoner No. 9486, 45 years old, male, with address at Bo. Pasig, Claveria, Masbate; The data appearing in the aforesaid death certificate and those in the records of the case (handwritten notes of the proceedings by the Presiding Judge of the trial court, pp. 320-321, rec.) show that the Bonifacio Alison mentioned therein are one and the same person; 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 (Art. 89, Revised Penal Code; Reyes' Criminal Law, 1971 Rev. Ed., p. 717, citing *People vs. Castillo and Ofemia C.A.*, 56 O.G. 4045); consequently, the case against him should be dismissed." [3]

WHEREFORE, in line with the prayer of the then Solicitor General, this case against appellant, the late Bonifacio Alison, is dismissed with costs de oficio.

Reyes, J.B.L., Acting C.J., Makalintal, Zaldivar, Castro, Teehankee, Barredo, and Makasiar, JJ., concur.

Concepcion, C.J., on official leave.

Antonio, J., did not take part.

[1] Communication of February 14, 1972.

[2] Resolution dated February 22, 1972.

[3] Comment, pp. 1-2.

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