

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. WINDY GABUNQUIN Y ALEJAR, ACCUSED-APPELLANT.

Ponente: VILLON, J.

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VILLON, J.:

In compliance with the Court's Resolution dated September 24, 2014, Director Franklin Jesus B. Bucayu, thru Esterlina M. Caraos, Officer In-charge, Legal Office, Bureau of Corrections submitted a Certificate of Death[1] of the accused-appellant. Thus, pursuant to Article 89(1) of the Revised Penal Code (RPC), petitioner's death extinguishes his criminal liability as well as his civil liability.

We rule that the death of an accused extinguishes his criminal liability even if his death should occur during the pendency of his appeal.[2] Accused-appellant's death not only extinguished his criminal liability concerning the personal penalties but also whatever pecuniary penalties that might have been imposed on him, considering that he died before final judgment as provided in Article 89(1) of the RPC. Both accused-appellant's civil and criminal liability were extinguished by his death.[3] In any event, consistent with *People v. Bayotas*,[4] the death of the accused necessarily calls for the dismissal of the criminal case against him, regardless of the institution of the civil case with it.

WHEREFORE, premises considered, the instant case is hereby DISMISSED.

SO ORDERED.

Sadang, M.Q.C.,[*] and Corales, P.B., JJ., concur.

[*] Vice Justice Florito S. Macalino per Office Order No. 469-14-ABR dated November 14, 2014

[1] Rollo, p. 157

[2] 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 xxx xxx.

[3] *People v. Yanson-Dumancas*, G.R. No. 133527-28, December 13, 1999; *People v. Sambulan*, 289 SCRA 500 (1998); *People v. Alison*, 44 SCRA 523 (1972).

[4] 236 SCRA 239

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