

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, V. RAMON A. AMANTE, ACCUSED-APPELLANT.

Ponente: ELBINIAS, J.

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ELBINIAS, J.:

On May 16, 2012, the Public Attorney's Office ("PAO" for brevity), acting as counsel for accused-appellant Ramon A. Amante ("accused-appellant" for brevity), filed a "MANIFESTATION (with Apology)"[1] ("Manifestation" for brevity) stating that accused-appellant died on August 31, 2010. A certified true copy of accused-appellant's "Certificate of Death"[2] ("Certificate" for brevity) was attached to the Manifestation.

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)

That 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[3] dated February 3, 2010 of the Regional Trial Court of San Jacinto, Masbate, Branch 50, is SET ASIDE. Accordingly, Criminal Case No. 1169 is DISMISSED.

SO ORDERED.

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

[1] Rollo, pp. 59 - 61

[2] Rollo, p. 64

[3] Rollo, pp. 8 - 13

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