PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JAIME AYOCHOK Y TAULI, ACCUSED-APPELLANT.

G.R. No. 175784. August 25, 2010

Ponente: LEONARDO-DE CASTRO, J.

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LEONARDO-DE CASTRO, J.:

Before Us is an appeal filed by Jaime Ayochok y Tauli (Ayochok) assailing the Decision[1] dated June 28, 2005 of the Court of Appeals in CA-G.R. CR No. 00949, entitled People of the Philippines v. Jaime Ayochok y Tauli," which affirmed with modifications the Decision dated August 13, 2003 of the Regional Trial Court (RTC) of Baguio City, Branch 6, in Criminal Case No. 18658-R.[2] The RTC found Ayochok guilty beyond reasonable doubt of the crime of Murder.

In an Amended Information[3] dated September 21, 2001, Prosecutor Benedicto T. Carantes charged Ayochok with Murder, committed as follows:

> That on or about the 15[th] day of July, 2001, in the City of Baguio, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, being then armed with a gun, with intent to kill and with evident premeditation and by means of treachery and with cruelty by deliberately and inhumanly outraging at the victim, did then and there willfully, unlawfully and feloniously attack, assault and shoot SPO1 CLAUDIO CALIGTAN y NGODO in the following manner, to wit: that while the victim was relieving himself with his back turned to the accused, the latter coming from the blind side of the victim, shoot him several times hitting him on the different parts of his body and there was no opportunity or means to defend himself from the treacherous act of the assailant, thereby inflicting upon the latter: hypovolemic shock due to massive hemorrhage; multiple gunshot wounds on the head, neck, and upper extremities which directly caused his death.

When arraigned, Ayochok pleaded not guilty.

After trial on the merits of Criminal Case No. 18658-R, the RTC rendered a Decision on August 13, 2003, the dispositive portion of which reads:

> WHEREFORE, the Court finds the accused Jaime Ayochok guilty beyond reasonable doubt of the offense of Murder, defined and penalized under Article 248 of the Revised Penal Code as amended, qualified by treachery as charged in the Information and hereby sentences him to reclusion perpetua; to indemnify the heirs of the deceased SPO1 Claudio Caligtan the sum of P75,000.00 as civil indemnity for his death; P200,000.00 as moral damages; P378,956.50 as actual damages in connection with his death; P2,573,096.40 as unearned income, all indemnifications being without subsidiary imprisonment in case of insolvency; and to pay the costs.
>
> The accused Jaime Ayochok being a detention prisoner is entitled to be credited 4/5 of his preventive imprisonment in the service of his sentence in accordance with Article 29 of the Revised Penal Code.[4]

Ayochok was committed at the New Bilibid Prison in Muntinlupa City on October 31, 2003.

The case was directly elevated to us for automatic review and was docketed as G.R. No. 161469. However, pursuant to our decision in People v. Mateo[5] - which modified the pertinent provisions of the Revised Rules on Criminal Procedure on direct appeals from the RTC to the Supreme Court in cases where the penalty imposed is death, reclusion perpetua or life imprisonment - G.R. No. 161469 was transferred to the Court of Appeals,[6] where it was docketed as CA-G.R. CR No. 00949.

In its Decision dated June 28, 2005, the Court of Appeals affirmed with modifications the RTC judgment, to wit:

> WHEREFORE, in view of the foregoing premises, the Decision subject of this review is hereby AFFIRMED, save for several modifications in the civil aspect. Accordingly, the civil indemnity is reduced to P50,000.00; moral damages reduced to P50,000.00; actual damages reduced to P144,375.75 and unearned income reduced to P2,571,696.10.[7]

Initially, Ayochok filed a Motion for Reconsideration[8] of the foregoing Decision of the Court of Appeals. Subsequently, however, Ayochok filed a Motion to Withdraw Motion for Reconsideration with Notice of Appeal[9] since he believed there was no chance that the appellate court would reverse itself, and prayed that the case already be forwarded to us instead. In a Resolution dated June 14, 2006, the Court of Appeals denied Ayochok's Motion to Withdraw Motion for Reconsideration with Notice of Appeal. In another Resolution dated August 11, 2006, the appellate court denied Ayochok's Motion for Reconsideration of the Decision dated June 28, 2005.

Ayochok, through counsel, filed a Notice of Appeal with the Court of Appeals conveying his intention to appeal to us the Decision dated June 28, 2005 of said court. On December 29, 2006, the Judicial Records Division of the Court of Appeals elevated to us the original records of CA-G.R. CR No. 00949,[10] and Ayochok's appeal was docketed as G.R. No. 175784.

On February 12, 2007, we required the parties in G.R. No. 175784 to file their supplemental briefs. [11]

Ayochok filed his Supplemental Appellant's Brief[12] on May 31, 2007, while the Office of the Solicitor General filed a Manifestation[13] on March 29, 2007, stating that it would no longer file a supplemental brief given that its Appellee's Brief, originally filed in G.R. No. 161469, is adequate to ventilate the People's cause. On August 6, 2007, we submitted G.R. No. 175784 for resolution.[14]

However, in a letter dated February 16, 2010, Julio A. Arciaga, the Assistant Director for Prisons and Security of the Bureau of Corrections, informed us that Ayochok had died on January 15, 2010 at the Philippine General Hospital, Manila. A copy of the death report signed by a medical officer of the New Bilibid Prison Hospital was attached to said letter.

In a Resolution dated April 28, 2010, we noted the letter and required the Director of the Bureau of Corrections to submit a certified true copy of Ayochok's death certificate from the local civil registrar within five days from notice of the said resolution.

On June 22, 2010, Melind M. Alipe, Head of the Medical and Dental Division of the New Bilibid Prison, Muntinlupa City, submitted a certified true copy of the death certificate of Ayochok.

Given Ayochok's death, we are now faced with the question of the effect of such death on the present appeal.

Ayochok's death on January 15, 2010, during the pendency of his appeal, extinguished not only his criminal liability for the crime of murder committed against Senior Police Officer 1 Claudio N. Caligtan, but also his civil liability solely arising from or based on said crime.

According to Article 89(1) of the Revised Penal Code, criminal liability is totally extinguished:

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> - 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.

Applying the foregoing provision, we laid down the following guidelines in People v. Bayotas[15]:

> - Death of the accused pending appeal of his conviction extinguishes his criminal liability as well as the civil liability based solely thereon. As opined by Justice Regalado, in this regard, "the death of the accused prior to final judgment terminates his criminal liability and only the civil liability directly arising from and based solely on the offense committed, i.e., civil liability ex delicto in senso strictiore."
>
> - Corollarily, the claim for civil liability survives notwithstanding the death of (the) accused, if the same may also be predicated on a source of obligation other than delict. Article 1157 of the Civil Code enumerates these other sources of obligation from which the civil liability may arise as a result of the same act or omission:
>
> a) Law
> b) Contracts
> c) Quasi-contracts
>
> x x x x
>
> e) Quasi-delicts
>
> - Where the civil liability survives, as explained in Number 2 above, an action for recovery therefor may be pursued but only by way of filing a separate civil action and subject to Section 1, Rule 111 of the 1985 Rules on Criminal Procedure as amended. This separate civil action may be enforced either against the executor/administrator or the estate of the accused, depending on the source of obligation upon which the same is based as explained above.
>
> - Finally, the private offended party need not fear a forfeiture of his right to file this separate civil action by prescription, in cases where during the prosecution of the criminal action and prior to its extinction, the private-offended party instituted together therewith the civil action. In such case, the statute of limitations on the civil liability is deemed interrupted during the pendency of the criminal case, conformably with the provisions of Article 1155 of the Civil Code that should thereby avoid any apprehension on a possible privation of right by prescription.[16]

Clearly, in view of a supervening event, it is unnecessary for the Court to rule on Ayochok's appeal. Whether or not he was guilty of the crime charged has become irrelevant since, following Article 89(1) of the Revised Penal Code and our disquisition in Bayotas, even assuming Ayochok had incurred any criminal liability, it was totally extinguished by his death. Moreover, because Ayochok's appeal was still pending and no final judgment of conviction had been rendered against him when he died, his civil liability arising from the crime, being civil liability ex delicto, was likewise extinguished by his death.

Consequently, the appealed Decision dated June 28, 2005 of the Court of Appeals in CA-G.R. CR No. 00949 - finding Ayochok guilty of Murder, sentencing him to imprisonment, and ordering him to indemnify his victim - had become ineffectual.[17]

WHEREFORE, in view of the death of accused-appellant Jaime Ayochok y Tauli, the Decision dated June 28, 2005 of the Court of Appeals in CA-G.R. CR No. 00949 is SET ASIDE and Criminal Case No. 18658-R before the Regional Trial Court of Baguio City is DISMISSED. Costs de oficio.

SO ORDERED.

Corona, C.J., (Chairperson), Velasco, Jr., Del Castillo, and Perez, JJ., concur.

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[1] Penned by Associate Justice Bienvenido L. Reyes with Associate Justices Godardo A. Jacinto and Rosalinda Asuncion-Vicente concurring; rollo, pp. 3-13.

[2] CA rollo, pp. 123-147.

[3] Id. at 20.

[4] Id. at 146-147.

[5] G.R. Nos. 147678-87, July 7, 2004, 433 SCRA 640.

[6] CA rollo, p. 211.

[7] Rollo, p. 13.

[8] CA rollo, pp. 236-243.

[9] Id. at 252-254.

[10] Rollo, p. 1.

[11] Id. at 14.

[12] Id. at 24-41.

[13] Id. at 15-18.

[14] Id. at 44.

[15] G.R. No. 102007, September 2, 1994, 236 SCRA 239.

[16] Id. at 255-256.

[17] De Guzman v. People, 459 Phil. 576, 580 (2003).

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