

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. HEMIANO DE JESUS AND RODELO MORALES, ACCUSED-APPELLANTS.

G.R. No. 186528. January 26, 2011

Ponente: VELASCO JR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-186528/>

VELASCO JR., J.:

Before this Court on appeal is the August 19, 2008 Decision[1] of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 02493, which upheld the convictions of accused Hemiano de Jesus and Rodelo Morales in Criminal Case No. 4247-92, decided by the Regional Trial Court (RTC), Branch 87 in Rosario, Batangas on June 15, 2006.

The Facts

The accused were charged with the crime of Murder before the RTC in Lipa City, Batangas, in an Information dated October 8, 1992, which reads as follows:

That on or about the 9[th] day of July, 1992, at about 9:00 o'clock in the evening, in Barangay Libato, Municipality of San Juan, Province of Batangas, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, both armed with [a] small bolo (gulukan), conspiring and confederating together, acting in common accord and mutually helping each other, with intent to kill, with treachery and evident premeditation and abuse of superior strength and without any justifiable cause, did then and there, wilfully, unlawfully and feloniously attack, assault, hack and stab with the said small bolo one Armando Arasula y de Torres, suddenly and without warning, thereby inflicting upon the latter physical injuries on the different parts of his body which caused his instantaneous death.

Contrary to law.[2]

The RTC, Branch 13 in Lipa City issued a warrant of arrest dated October 22, 1992.[3] The case was transferred to the RTC, Branch 87 in Rosario, Batangas.

The RTC in Rosario, Batangas issued an Alias Warrant of Arrest dated June 25, 1997, which was then returned on October 24, 2000, with the information that both of the accused had been arrested on October 19, 2000 in Mamburao, Occidental Mindoro.[4] The case was revived in an Order dated November 15, 2000, and arraignment was set for November 29, 2000.[5] The accused both pleaded "not guilty" to the crime charged.[6] The trial then proceeded.

The Case for the Prosecution

The prosecution presented as its eyewitness Santiago Arasula, the younger brother of the victim, Armando Arasula. The prosecution and the defense agreed to stipulate on the testimony of Dr. Elizabeth Sario and the existence of the post-mortem findings[7] and certificate of death[8] made by her. Dr. Sario concluded that the cause of death was cardio-respiratory arrest, secondary to stab wounds.[9]

Santiago stated that his brother Armando lived in the house of their mother in Barangay Libato, San Juan, Batangas, which was more or less 10 meters from his own house.[10] Santiago testified that, on the evening of

July 9, 1992, he, Armando, and the two accused had been drinking at the birthday party of a certain Alejandro Hornillo, but he left earlier than the others. Later, when Santiago was already at home with his wife and children, he heard Armando shouting, "Mother, Mother, I was stabbed by Hemiano and Rodelo!" Santiago then ran towards his brother, and saw him lying on the ground, with the accused still stabbing him with a gulukan (small bolo). He ordered the two to stop, whereupon they ran away, heading north. When Santiago reached his brother, he found that Armando was already dead.[11]

Santiago also testified as to the expenses entailed by his brother's death, which amounted to more than PhP 100,000, without receipts to prove them, broken down as follows: coffin, PhP 20,000; burial, PhP 20,000; first death anniversary, PhP 30,000; and the costs incurred in filing the criminal case, PhP 20,000.[12]

On cross-examination, Santiago stated that he left his brother drinking with the accused at the party of Alejandro Hornillo, and that prior to the attack, he had seen his brother lying drunk near the road.[13] He also stated that he did not run after the assailants, since he was more concerned about his brother, and that after the incident he went to the San Juan, Batangas police station to report what had happened.[14]

The Case for the Defense

Rodelo Morales testified that on July 9, 1992, he was at the house of Alejandro Hornillo to attend the latter's birthday party, and that he saw Hemiano de Jesus there as well.[15] He left the party at around 6:00 p.m., and went home. He claimed to be cooking dinner in his house at the time the victim was attacked, around 9:00 p.m. He said that he slept at around 10:00 p.m. He stated that there was no bad blood between him and the Arasula brothers, and denied having killed Armando.[16]

Hemiano de Jesus admitted having killed the victim, but raised the justifying circumstance of self-defense. He claimed that on July 9, 1992, he attended the birthday party of Alejandro Hornillo, then decided to go home at 9:00 p.m. Armando Arasula left the party at the same time, and de Jesus decided to accompany him, considering that Armando was drunk. De Jesus claimed that as they were walking, Armando got mad at him because he did not wish to be accompanied. De Jesus insisted, whereupon Armando drew his bolo and attacked him. De Jesus stated that he parried the first blow and grappled with Armando for the bolo. He then ran and went to the house of his cousin, and did not go home or report the incident to the police out of fear. He claimed that he was not aware that Armando was dead when he left him. He also claimed that Rodelo Morales was not with him at the time of Armando Arasula's demise.[17]

After deliberating upon the evidence, the trial court rendered its Decision, finding both of the accused guilty in Criminal Case No. 4247-92, the dispositive portion of the Decision reading as follows:

WHEREFORE, in view of the foregoing consideration, this Court hereby declares both accused RODEOLO [sic] MORALES and HEMIANO DE JESUS, GUILTY of the Crime of Murder penalized under Article 248 of the Revised Penal Code. There being no mitigating circumstances attending the commission of the offense, they are hereby sentenced to suffer the penalty of Reclusion Perpetua to Death and to pay the heirs of the victim with the following amount:

- 50,000 as civil indemnity
- 100,000 as moral indemnity
- P25,000 as actual damages, considering that the actual expenses were not supported by documentary evidence

SO ORDERED.[18]

The Case before the CA

The case was raised to the CA and docketed as CA-G.R. CR-H.C. No. 02493. In their appeal, accused-appellants attempted to cast doubt upon the testimony of Santiago Arasula, claiming that the witness' identification of the accused lacked credibility, considering the circumstances that the area was dark and that Santiago was the only one to respond to the alleged cries for help of the victim.[19] They also attempted to show that the version of events posited by accused-appellant de Jesus was more credible, that the killing was done in self-defense. Accused-appellants further argued that, assuming *arguendo* that they committed the act of killing Armando Arasula, the trial court erred in appreciating the qualifying circumstance of superior strength.

The CA found the testimony of Santiago Arasula to be more credible and convincing, and thus upheld the RTC decision. The CA, however, found it necessary to modify the penalty and the award of damages. The penalty was reduced to reclusion perpetua, as no mitigating or aggravating circumstances attended the commission of the crime.[20] The award of moral damages was found to be excessive, and was reduced in accordance with current jurisprudence. The award of actual damages was modified to temperate damages as Santiago failed to prove his expenses with receipts.[21] The dispositive portion of the CA Decision, thus, reads as follows:

WHEREFORE, in view of the foregoing premises, the instant appeal is hereby DENIED and, consequently, DISMISSED. The assailed decision dated June 15, 2006 is hereby AFFIRMED with MODIFICATIONS in that the penalty imposed is reclusion perpetua only and the damages awarded are the sum of Php50,000.00 as civil indemnity for the death of Armando Arasula, the sum of Php50,000 as moral damages, and the sum of Php10,000.00 as temperate damages.

SO ORDERED.[22]

Hence, We have this appeal.

The Ruling of this Court

The appeal is without merit.

The RTC gave more weight to the testimony of Santiago Arasula. Santiago testified in a candid and straightforward manner, and the cross-examination conducted by the defense failed to shake him.

Santiago positively identified the men who killed his brother, as he had known them for at least five years. His testimony to that effect went as follows:

Q Do you know the accused in this case?

A Yes, sir.

x x x x

Q Since when have you known them?

A For quite a long time, sir.

Q Could you estimate how long a time?

A I know them for about five years, sir.

Q Prior to the year 1992, they were five years in your place?

A Yes sir and even more than five years.

Q Do you know why they were in your barangay?

A They were working in the land of Atty. Bautista, sir.

Q That land is situated at Brgy. Libato, San Juan, Batangas?

A Yes, sir.[23]

Santiago demonstrated his familiarity with accused-appellants, which they failed to dispute or contest, so his identification of them may be relied upon.

Santiago testified what he witnessed on that night as follows:

Q Upon hearing your brother shouting, what if any, did you do next?

A I immediately went down of our house and I went to my brother, sir.

Q What if any, did you see when you went to your brother?

A When I was near to my brother, I saw that Heminiano [sic] and Rodelo stabbed again my brother twice, sir.

Q Prior to your saying that the two accused again stabbed your brother, what is the condition of your brother before he was stabbed again by the two accused?

A He was lying already down when I approached him and the two accused stabbed him, sir.

Q What did you do when you saw that your brother was stabbed again by the two accused?

A I approached my brother, sir.

Q Were you armed at the time?

A No, sir.

Q What was your distance when you saw the two accused [stab] your brother?

A More or less five (5) meters, sir.

Q Was your brother armed, if you noticed at that time?

A No, sir.

Q How about the two accused, you said that the two accused stabbed your brother, what weapon did the two accused use in stabbing your brother?

A A small bolo, sir.

Q You mean to say that they were both armed with a small bolo?

A Yes, sir.

Q Were you in fact able to approach your brother?

A Yes, sir.

Q When you approached your brother, where are the two accused at that time?

A They ran towards north, sir.[24]

On cross-examination, Santiago related the following:

Q How did you come to know that your brother was then alleged[ly] stab[bed] by [these] two accused Heminiano [sic] de Jesus and Rodelo Morales?

A My brother deceased shouted sir.

Q Did you [hear] the shout?

A Yes sir.

Q Where were you then when you heard shouts?

A In our house, Your Honor.

Q How far is the house of your mother from you in 1992?

A More or less 15 meters, Your Honor.

Q At the time that you heard that your brother shouting what immediate action did you take?

A I immediately went out of my house and approached my brother, sir.[25]

x x x x

Q After you went to your house, Mr. Witness, and you [heard] shouting [from] your brother what did you see?

A I saw the two accused, sir.

Q Where did you see them?

A Near my brother, sir.

Q Was your brother then lying then on the ground or standing?

A He was lying, sir.

Q How far [were] the two accused from your brother?

A ½ arm length, sir.

Q What did you see them doing if they were doing anything?

A I saw them [stab] my brother, sir.

Q Both of them are stabbing?

A Yes, sir.[26]

Court:

Q You said you [saw] the two accused were stabbing your brother did you see what respective weapon [used] in stabbing?

A Gulukan sir.

Q And that is both of them?

A Yes sir.

Q You mean to say they have their respective gulukan?

A Yes sir.

Q Was your brother arm[ed] at that time?

A I do not know, Your Honor.[27]

x x x x

Q How far were you when you saw them stabbing?

A About 5 meters, sir.[28]

Santiago's testimony was consistent and clear. Accused-appellants showed no reason or bias for Santiago to pinpoint them as the perpetrators of the crime, no motive for the lone eyewitness to falsely accuse them. Thus, We adhere to the established rule that in the absence of evidence showing any reason or motive for the prosecution witness to perjure himself or herself, We can conclude that no improper motive exists, and his or her testimony is worthy of full faith and credit.[29] We see no reason to deviate from the RTC's appreciation of said testimony and the conclusions drawn from it.

The claim of accused-appellants that the findings of Dr. Sario, the doctor who conducted the post-mortem examination, do not establish the number of attackers, nor do they support a conviction for murder, is not worthy of consideration. In support of their argument, they cited *People v. Matyaong*, which stated, "Therefore, the examination of a wound, from the legal point of view, should lead to the determination as to when the wound was inflicted, what the degree of danger the wound is, with its dangers to life or function, whether the wound was given by the injured man himself, or by some one else, and with what manner of instrument the wound was produced." [30] The citation of the case is inappropriate, as this refers to a case wherein no post-mortem examination of the victim was conducted, and the cause of death was uncertain, as witnesses gave varying accounts of the injuries suffered by the victim, unlike the present case wherein the cause of death is known as there was a post-mortem examination. The testimony of the eyewitness is what established the finding of the RTC that accused-appellants killed the victim, not the post-mortem examination.

Accused-appellant Morales raised the defense of alibi. In the light of Santiago's positive identification and the credibility accorded his testimony by the trial court, the defense of alibi must fail. As held in *People v. Dela Cruz*:

Appellant's denial and alibi are not worthy of belief. It is an oft-quoted doctrine that positive identification prevails over denial and alibi. Alibi cannot prevail over the positive identification of the accused as the perpetrator of the crime.

Furthermore, for the defense of alibi to prosper, appellant must establish that (a) he was in another place at the time of the commission of the offense; and (b) he was so far away that he could not have been physically present at the place of the crime, or its immediate vicinity, at the time of its commission.[31] x x x

Morales testified that at the time of the killing, he was in his house, not far from the house of the victim, around 20 arm's-lengths, as per his reckoning.[32] There is, thus, the possibility of him being physically present at the place of the crime; indeed, as per his testimony, he was in the immediate vicinity. He presented no corroborating evidence to show that he was elsewhere at the time of the killing, nor did he present any witnesses to his whereabouts. There is only his word that he was not there, against Santiago's credible testimony. His defense, thus, cannot prosper.

As for accused-appellant de Jesus, he raises the justifying circumstance of self-defense. He related how the events unfolded after he and the victim left the birthday party together:

COURT

Q How did it happen that you grabbed the bolo from him?

A I was about to accompany him to his house, Your Honor.

ATTY. MACASAET

Q Where is his house?

A Near the place, sir.

COURT

Q Why are you going to accompany him to his house.

A He was already drunk, Your Honor.

Q Were you able to accompany him until his house?

A No, Your Honor.

Q Why?

A He got angry, Your Honor.

Q When he got mad at you, what did you do?

A None, Your Honor.

ATTY. MACASAET

Q Why [did] he get angry at you?

A He does not want me to accompany him, sir.

Q Where did he get angry at you?

A When we were at the middle of the ricefield, sir.

x x x x

Q When this Armando Arizola [sic] got angry at you when you were at the middle of the ricefield, what did he do?

A He drew his bolo, sir.

Q What did you do?

A I grabbed the bolo and we grappled, sir.

Q What happened when you were grappling at the bolo?

A I was able to get hold of the bolo, sir.

COURT

Q After getting the bolo from him, what did you do?

A I happened to [stab] him, Your Honor.

ATTY MACASAET

Q What actually did Armando Arizola [sic] do after drawing his bolo?

A After drawing his bolo, he attacked me, sir.

COURT

Q Did he give you a hack blow?

A Yes, Your Honor.

ATTY. MACASAET

Q How many hack blows did he do?

A After the first hack blow, I was able to parry his hand, sir.

x x x x

Q Mr. Witness, after your [encounter] with Armando Arazola [sic], what did you do?

A I ran away, sir.

Q Where did you go?

A I went to my cousin in Libato, San Juan, Batangas, sir.

Q How far was it from the place of the incident?

A It is far, sir.

COURT

Q How far, could it be one kilometer?

A More or less 5 kilometers, Your Honor.

Q What did you do there and why did you go there?

A I got afraid, Your Honor.

ATTY. MACASAET

Q Why did you not go to your house?

A I got afraid that is why I did not go home, sir.

x x x x

Q When you left the place, the ricefield, are you aware that Armando Arazola [sic] is already dead?

A No, sir.

Q When did you come to know that he is already dead?

A The following day, sir.[33]

Mahawan v. People explains that:

It is axiomatic that where an accused pleads self-defense, he thereby admits authorship of the crime. Accordingly, the burden of evidence is shifted to the accused who must then prove with clear and convincing proof the following elements of self-defense: (1) unlawful aggression on the part of the victim; (2) reasonable necessity of the means employed to prevent or repel the attack; and (3) lack of sufficient provocation on the part of the person defending himself. Although all three elements must concur, self-defense must rest firstly on proof of unlawful aggression on the part of the victim. If no unlawful aggression attributed to the victim is established, there can be no self-defense, whether complete or incomplete. Unlawful aggression is a condition sine qua non for the justifying circumstance of self-defense to apply.[34]

As de Jesus claims that the killing was done in self-defense, the burden is, thus, on him to prove unlawful

aggression on the part of the victim, as well as the other elements of the justifying circumstance of self-defense.

Even if events had transpired as de Jesus related, he still failed to show that there was unlawful aggression on the part of the victim, or the other elements of the justifying circumstance of self-defense. In fact, he stated it was after he got possession of the bolo that he stabbed Armando. Thus, the aggression on the part of Armando, if it existed, would have already ceased. As there was no longer any unlawful aggression on the part of the victim, the justifying circumstance of self-defense is absent.

The details provided by de Jesus are not too clear, and they fail to explain the fact that the victim suffered two stab wounds, whereas de Jesus only claims to have stabbed him once. The version propounded by de Jesus is, thus, less credible than that related by Santiago.

Another telling sign of de Jesus' guilt is his flight from the scene. Had events occurred as per his version, he should have been ready to face the consequences of his action, and let the truth come out. There was no reported bad blood between him and the victim, no motive for him to kill Armando. The question that must be asked is, why then was he so afraid, that he went into hiding for eight years, for what he claims is a justified killing? Self-defense is not credible in the face of the flight of the accused from the crime scene and his or her failure to inform the authorities about the incident.[35]

Accused-appellants were convicted of the crime of murder under Article 248 of the Revised Penal Code (RPC), as the trial court found that the killing was attended by the aggravating circumstance of abuse of superior strength. Art. 248(1) provides:

Any person who, not falling within the provisions of Article 246, shall kill another, shall be guilty of murder and shall be punished by reclusion perpetua to death if committed with any of the following attendant circumstances:

(1) With treachery, taking advantage of superior strength, with the aid of armed men, or employing means to weaken the defense, or of means or persons to insure or afford impunity.

To take advantage of superior strength is to purposely use excessive force, out of proportion to the means of defense available to the person attacked.[36] As testified by Santiago Arasula, the lone eyewitness, the two accused were stabbing his brother, who was unarmed and intoxicated. It is clear, therefore, that Armando was in no position to defend himself from two armed assailants, who, as Santiago testified, were armed with small bolos. While it is true that superiority in number does not per se mean superiority in strength, accused-appellants in this case did not only enjoy superiority in number, but were armed with weapons, while the victim had no means with which to defend himself.[37] Accused-appellants took advantage of their number and weapons, as well as the condition of the victim, to commit the crime.

The RTC correctly considered the circumstance that accused-appellants took advantage of superior strength in the commission of the crime, which qualifies the killing as murder under the first paragraph of Art. 248 of the RPC. Under Republic Act No. (RA) 7659, or "An Act to Impose the Death Penalty on Certain Heinous Crimes, Amending for that Purpose the Revised Penal Laws, and for Other Purposes," the crime of murder is a heinous crime punishable by death.

The RTC imposed the penalty of reclusion perpetua to death. The CA modified the penalty to reclusion perpetua in view of RA 9346, "An Act Prohibiting the Imposition of the Death Penalty in the Philippines." There being neither mitigating nor aggravating circumstances, the penalty for murder should be imposed in its medium period or reclusion perpetua.[38] The modification of the penalty by the CA was proper.

Having determined that the conviction of accused-appellants was proper, the time has come to review the

assessment of damages.

The RTC awarded PhP 50,000 as civil indemnity, PhP 100,000 as moral damages, and PhP 25,000 as actual damages. The CA modified this award, retaining the award of PhP 50,000 as civil indemnity, reducing the award of moral damages to PhP 50,000, and removing the award of actual damages and instead awarding temperate damages in the amount of PhP 10,000.

The award of civil indemnity must be raised to PhP 75,000, in order for the award to conform with current jurisprudence.[39]

Moral damages must also be awarded because they are mandatory in cases of murder and homicide, without need of allegation and proof other than the death of the victim.[40] Moral damages in the present case should be increased to PhP 75,000, in accordance with current jurisprudence.[41]

The CA also correctly awarded temperate damages, instead of actual damages, as awarded by the RTC, considering that Santiago Arasula was unable to prove the actual expenses incurred by the death of his brother. Art. 2224 of the Civil Code provides, "Temperate or moderate damages, which are more than nominal but less than compensatory damages, may be recovered when the court finds that some pecuniary loss has been suffered but its amount can not, from the nature of the case, be proved with certainty." However, the award of PhP 10,000 should be modified to conform to current jurisprudence. The award of PhP 25,000 as temperate damages in homicide or murder cases is proper when no evidence of burial or funeral expenses is presented in the trial court.[42]

Exemplary damages are also proper, as the crime was attended by the aggravating circumstance of taking advantage of superior strength. Under Art. 2230 of the Civil Code, "In criminal offenses, exemplary damages as a part of the civil liability may be imposed when the crime was committed with one or more aggravating circumstances. Such damages are separate and distinct from fines and shall be paid to the offended party." The amount of PhP 30,000 as exemplary damages should be awarded, as per current jurisprudence.[43]

The damages assessed in this case shall be subject to interest at six percent (6%).[44]

Before We can proceed with the final disposition of this case, it is noted that the Court was informed of the death of accused-appellant Rodelo Morales on March 15, 2009 in an Indorsement[45] dated November 16, 2009 from Police Chief Superintendent Renato C. Ramos of the Batangas Provincial Jail, with the attached certificate of death[46] of accused-appellant Morales. Considering that accused-appellant Morales died before his conviction for murder had attained finality, his criminal as well as civil liabilities are extinguished, as per Art. 89(1) of the RPC.[47] The final disposition of the case must reflect this as well.

WHEREFORE, the CA Decision dated August 19, 2008 in CA-G.R. CR-H.C. No. 02493 is AFFIRMED with MODIFICATION, as follows:

- (1) The case against accused-appellant Rodelo Morales is DISMISSED, as his criminal and civil liabilities are extinguished by reason of his death; and
- (2) Accused-appellant Hemiano de Jesus is sentenced to reclusion perpetua. He is ordered to pay PhP 75,000 as civil indemnity, PhP 75,000 as moral damages, PhP 30,000 as exemplary damages, and PhP 25,000 as temperate damages to the heirs of Armando Arasula, all with interest at the legal rate of six percent (6%) per annum from the finality of this Decision until fully paid.

SO ORDERED.

Corona, C.J., Chairperson, Leonardo-De Castro, Del Castillo, and Perez, JJ., concur.

[1] Penned by Associate Justice Isaias Dicdican and concurred in by Associate Justices Juan Q. Enriquez, Jr. and Marlene Gonzales-Sison.

[2] Records, p. 3.

[3] Id. at 13.

[4] Id. at 19.

[5] Id. at 24.

[6] Id. at 29-30.

[7] Id. at 9.

[8] Id. at 10.

[9] Id.

[10] Id. at 108.

[11] Id. at 109.

[12] Id. at 109-110.

[13] Id. at 110.

[14] Id.

[15] Id. at 110-111.

[16] Id. at 111.

[17] Id. at 112-113.

[18] Id. at 121.

[19] CA rollo, pp. 58-59.

[20] Rollo, p. 14.

[21] Id.

[22] Id. at 15.

[23] TSN, October 11, 2001, p. 4.

[24] Id. at 6-7.

[25] TSN, March 7, 2002, p. 18.

[26] Id. at 22-23.

[27] Id. at 23- 24.

- [28] Id. at 24.
- [29] *People v. Nueva*, G.R. No. 173248, November 3, 2008, 570 SCRA 449, 463.
- [30] G.R. No. 140206, June 21, 2001, 359 SCRA 392, 399.
- [31] G.R. No. 175929, December 16, 2008, 574 SCRA 78, 91.
- [32] TSN, May 26, 2004, p. 3.
- [33] TSN, April 28, 2005, pp. 3-7.
- [34] G.R. No. 176609, December 18, 2008, 574 SCRA 737, 746.
- [35] *Sullon v. People*, G.R. No. 139369, June 27, 2005, 461 SCRA 248, 255.
- [36] *People v. Cariño*, G.R. No. 131117, June 15, 2004, 432 SCRA 57, 82-83.
- [37] *People v. Parreno*, G.R. No. 144343, July 7, 2004, 433 SCRA 591, 608.
- [38] *Ingat v. People*, G.R. No. 173282, March 4, 2008, 547 SCRA 632, 655.
- [39] See *People v. Satonero*, G.R. No. 186233, October 2, 2009, 602 SCRA 769, 782.
- [40] *Ingat v. People*, supra note 38, at 657.
- [41] *People v. Satonero*, supra note 39.
- [42] *People v. Osianas*, G.R. No. 182548, September 30, 2008, 567 SCRA 319, 340.
- [43] *People v. Satonero*, supra note 39.
- [44] See *People v. Tubongbanua*, G.R. No. 171271, August 31, 2006, 500 SCRA 727, 742-743.
- [45] Rollo, p. 47.
- [46] Id. at 49.
- [47] Revised Penal Code, Art. 89(1) provides:

ART. 89. How criminal liability is totally extinguished.^¾Criminal liability is totally extinguished:

1. By the death of the convict, as to the personal penalties; and as to pecuniary liabilities, liability therefore is extinguished only when the death of the offender occurs before final judgment.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.