PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JULIET OLACO Y POLER, ACCUSED-APPELLANT.

G.R. No. 197042. October 17, 2011

Ponente: LEONARDO-DE CASTRO, J.

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LEONARDO-DE CASTRO, J.:

Before Us is an appeal filed by Juliet Olaco y Poler (Olaco) assailing the Decision[1] dated January 20, 2011 of the Court of Appeals in CA-G.R. CR.-H.C. No. 02756, which affirmed with modification the Decision dated March 5, 2007 of the Regional Trial Court (RTC) of Las Piñas City, Branch 198, in Criminal Case No. 04-0746.[2] In the March 5, 2007 Decision, the RTC found Olaco guilty beyond reasonable doubt of the crime of Qualified Theft.

In an Information dated August 24, 2004, Olaco was charged with Qualified Theft, committed as follows:

> That on or about the 21[st] day of August 2004, in the City of Las Pinas, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating with one alias Rena, Victor Catulong, Roland Baroga and alias Roger, whose true identities and whereabouts are still unknown and all of them mutually helping and aiding one another, accused OLACO being the housemaid of Ruben Vinluan y Torno, and as such enjoying the trust and confidence reposed upon her by her aforementioned employer, with intent to gain and without the knowledge and consent of the owner thereof and with grave abuse of confidence, did then and there willfully, unlawfully and feloniously take, steal, and carry away the following items, to wit:
>
> ITEMS
>
> AMOUNT
>
> Three (3) Men's Necklace
>
> Two (2) Gold Necklaces
>
> P120,000.00
>
> One (1) White Gold Necklace
>
> 60,000.00
>
> Three (3) Men's Bracelet

Two (2) Gold Bracelets

50,000.00

One (1) Two-tone Bracelet (Gold and White Gold)

45,000.00

Ashworth Bracelet (brown)

10,000.00

US Dollar 1,000 cash, in peso equivalent

55,000.00

One Men's White Gold with 8 diamond (20K)

120,000.00

One (1) set Earring and Pendant

Egg shape South Sea Pearl with diamonds

60,000.00

One (1) GUCCI Ladies Watch

250,000.00

One (1) DKNY Ladies Watch

15,000.00

One (1) Cartier Ladies Watch

35,000.00

One (1) set of Necklace & Bracelet 24K Gold

40,000.00

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One (1) Solid Gold 24K Necklace

25,000.00

One (1) Pendant with 3 diamonds each .51K

25,000.00

One (1) Gold 18K Chain

10,000.00

One (1) 18K Gold Chain with Pendant

Blessed Virgin

18,000.00

One (1) Bracelet 24K twisted design

12,000.00

One (1) 18K Gold Chain 18 inches long

With 18K Cross Pendant

20,000.00

One (1) Bundle New Bills P20 denominator

2,000.00

One (1) bag of coins P1.00

100.00

belonging to Ruben Vinluan y Torno to the damage and prejudice of the aforenamed owner thereof in the total amount of P972,100.00.[3]

The case was docketed as Criminal Case No. 04-0746 before the RTC.

When arraigned, Olaco pleaded not guilty.

After trial on the merits, the RTC rendered a Decision on March 5, 2007, finding Olaco guilty and sentencing her thus:

> WHEREFORE, premises considered, this Court finds the accused JULIET OLACO y POLER GUILTY beyond reasonable doubt of the crime of Qualified Theft as defined and penalized under Article 310 of the Revised Penal Code, and hereby sentences said accused to suffer the penalty of reclusion perpetua. She is likewise ordered to indemnify the offended party in the sum of Nine Hundred Seventy-two Thousand One Hundred Pesos (Php972,100.00) representing the total value of the cash and jewelry taken by the accused without subsidiary imprisonment in case of insolvency, with costs.[4]

On March 26, 2007, Olaco was committed to the Correctional Institution for Women in Mandaluyong City.[5]

Olaco filed an appeal before the Court of Appeals, which was docketed as CA-G.R. CR.-H.C. No. 02756. In a Decision promulgated on January 20, 2011, the appellate court denied Olaco's appeal and affirmed with modification the RTC judgment, to wit:

> WHEREFORE, premises considered, the appeal is DENIED. The Decision dated 05 March 2007 of the Regional Trial Court of Las Pinas City, Branch 198 in Crim. Case No. 04-0746 finding accused-appellant Juliet Olaco y Poler guilty beyond reasonable doubt of the crime of Qualified Theft under Article 310 of the Revised Penal Code and sentencing her to suffer the penalty of reclusion perpetua is hereby AFFIRMED with MODIFICATION in that accused-appellant is hereby ordered to pay private complainant Ruben Vinluan the reduced amount of Php200,000.00, as actual damages.[6]

However, in a letter[7] dated January 27, 2011, Rachel D. Ruelo, Superintendent IV of the Correctional Institution for Women, informed the Court of Appeals that Olaco had died on February 17, 2010. A photocopy of Olaco's Death Certificate was attached to Ruelo's letter.

On February 2, 2011, Olaco's counsel still filed, on behalf of his deceased client, a Notice of Appeal,[8] which the Court of Appeals gave due course on February 8, 2011. Accordingly, the appellate court directed its Judicial Records Division to elevate to us the original records in CA-G.R. CR.-H.C. No. 02756.[9]

In a Resolution[10] dated July 18, 2011, we required Ruelo to submit a certified true copy of Olaco's death certificate from the local civil registrar within five days from notice.

In compliance with the foregoing Resolution, Ruelo submitted on September 15, 2011 a certified true copy of Olaco's Death Certificate, issued by the Office of the Civil Registrar of Mandaluyong City.

Given Olaco's death, we must now determine the fate of her appeal before us.

Olaco's death on February 17, 2010, during the pendency of her appeal, extinguished not only her criminal liability for qualified theft committed against private complainant Ruben Vinluan, but also her civil liability, particularly the award for actual damages, solely arising from or based on said crime.

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

> - 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[11]:

> - 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."

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> - 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.[12]

Clearly, it is already unnecessary for us to rule on Olaco's appeal. Olaco's appeal was still pending and no final judgment had been rendered against her at the time of her death. Hence, whether or not Olaco was guilty of the crime charged had become irrelevant because even assuming that Olaco did incur criminal liability and civil liability ex delicto, these were totally extinguished by her death, following Article 89(1) of the Revised Penal Code and our disquisition in Bayotas.

For the same reasons, the appealed Decision dated January 20, 2011 of the Court of Appeals in CA-G.R. CR.-H.C. No. 02756 - finding Olaco guilty of qualified theft, sentencing her to reclusion perpetua, and ordering her to pay private complainant Ruben Vinluan actual damages in the amount of P200,000.00 - had become ineffectual.

WHEREFORE, in view of the death of accused-appellant Juliet Olaco y Poler, the Decision dated January 20, 2011 of the Court of Appeals in CA-G.R. CR.-H.C. No. 02756 is SET ASIDE and Criminal Case No. 04-0746 before the Regional Trial Court of Las Piñas City is DISMISSED. Costs de oficio.

SO ORDERED.

Corona, C.J., (Chairperson), Peralta,[*] Del Castillo, and Villarama, Jr., JJ., concur.

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[*] Per Special Order No. 1110 (Revised) dated September 30, 2011.

[1] Rollo, pp. 2-26A; penned by Associate Justice Celia C. Librea-Leagogo with Associate Justices Remedios A. Salazar-Fernando and Michael P. Elbinias, concurring.

[2] CA rollo, pp. 31-38.

[3] Rollo, pp. 3-4.

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[4] CA rollo, p. 38.

[5] Rollo, p. 31.

[6] Id. at 24.

[7] CA rollo, p. 141.

[8] Id. at 138.

[9] Id. at 144.

[10] Rollo, p. 32.

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

[12] Id. at 255-256.

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