

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ARMANDO DIONALDO Y EBRON, RENATO DIONALDO Y EBRON, MARIANO GARIGUEZ, JR. Y RAMOS, AND RODOLFO LARIDO Y EBRON, ACCUSED-APPELLANTS.

G.R. No. 207949. September 09, 2015

Ponente: PERLAS-BERNABE, J.

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PERLAS-BERNABE, J.:

On July 23, 2014, the Court rendered its Resolution[1] in this case finding accused-appellants Armando Dionaldo y Ebron, Renato Dionaldo y Ebron (Renato), Mariano Gariguez, Jr. y Ramos, and Rodolfo Larido y Ebron (accused-appellants) guilty beyond reasonable doubt of the special complex crime of Kidnapping for Ransom with Homicide, the dispositive portion of which reads:

WHEREFORE, the appeal is DISMISSED. The Decision dated February 15, 2013 of the Court of Appeals in CA-G.R. CR-H.C. No. 02888 is hereby AFFIRMED with the MODIFICATION that all the accused-appellants herein are equally found GUILTY of the special complex crime of Kidnapping for Ransom with Homicide, and are sentenced to each suffer the penalty of reclusion perpetua, without eligibility for parole, and to pay, jointly and severally, the family of the kidnap victim Edwin Navarro the following amounts: (1) P100,00.00 as civil indemnity; (2) P100,000.00 as moral damages; and (3) P100,000.00 as exemplary damages, all with interest at the rate of six percent (6%) per annum from the date of finality of judgment until fully paid.

SO ORDERED.

Accused-appellants collectively moved for reconsideration[2] thereof, which the Court denied with finality in its Resolution[3] dated September 24, 2014.

On even date, the Court received a letter[4] from the Bureau of Corrections dated September 16, 2014 informing Us of the death of one of the accused-appellants in this case, Renato, on June 10, 2014, as evidenced by the Certificate of Death[5] attached thereto. As Renato's death transpired before the promulgation of the Court's July 23, 2014 Resolution in this case, i.e., when his appeal before the Court was still pending resolution, his criminal liability is totally extinguished in view of the provisions of Article 89 of the Revised Penal Code which states:

Art. 89. How criminal liability is totally extinguished. -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;

x x x x

In *People v. Amistoso*,[6] the Court explained that the death of the accused pending appeal of his conviction extinguishes his criminal liability, as well as his civil liability *ex delicto*. [7] Consequently, Renato's death on June 10, 2014 renders the Court's July 23, 2014 Resolution irrelevant and ineffectual as to him, and is therefore set aside. Accordingly, the criminal case against Renato is dismissed.

WHEREFORE, the Resolutions dated July 23, 2014 and September 24, 2014 of the Court are hereby SET ASIDE and Criminal Case No. C-68329 before the Regional Trial Court of Caloocan City, Branch 129 is DISMISSED insofar as accused-appellant RENATO DIONALDO y EBRON is concerned, in view of his demise.

SO ORDERED.

Sereno, C.J. (Chairperson), Leonardo-De Castro, Bersamin, and Perez, JJ., concur.

[1] Rollo, pp. 59-68.

[2] Id. at 69-75.

[3] Id. at 76-A.

[4] Id. at 77.

[5] Id. at 78, including its dorsal portion.

[6] G.R. No. 201447, August 28, 2013, 704 SCRA 369.

[7] Id. at 375-376, cited in *People v. Soria*, G.R. No. 17903 L February 24, 2014, 717 SCRA 276.

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