

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ALVIN CENIDO Y PICONES AND REMEDIOS CONTRERAS Y CRUZ, ACCUSED-APPELLANTS.

G.R. No. 210801. July 18, 2016

Ponente: PERLAS-BERNABE, J.

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PERLAS-BERNABE, J.:

On July 7, 2014, the Court rendered its Resolution[1] (July 7, 2014 Resolution) in this case finding accused-appellants Alvin Cenido y Picones and Remedios Contreras y Cruz (Remedios; collectively, accused-appellants) guilty beyond reasonable doubt of Illegal Sale and Possession of Prohibited Drugs, the dispositive portion of which reads:

WHEREFORE, the Court ADOPTS the findings of fact and conclusions of law in the July 31, 2013 Decision of the [Court of Appeals] in CA-G.R. CR-H.C. No. 05333 and AFFIRMS said Decision finding accused-appellants Alvin Cenido y Picones and Remedios Contreras y Cruz GUILTY beyond reasonable doubt of Illegal Sale and Possession of Prohibited Drugs, respectively, sentencing: (a) Alvin Cenido y Picones to suffer the penalty of life imprisonment and to pay a fine of P500,000.00 for violation of Section 5, Article II of Republic Act No. 9165, otherwise known as the "Comprehensive Dangerous Drugs Act of 2002["]; and (b) Remedios Contreras y Cruz to suffer the indeterminate penalty of twelve (12) years and one (1) day, as minimum, to, thirteen (13) years, as maximum, and to pay a fine of P300,000.00 for violation of Section 11, Article II of the same Act.

SO ORDERED.[2]

On August 12, 2014, accused-appellants jointly moved for reconsideration[3] thereof, which the Court denied with finality in its Resolution[4] dated December 1, 2014.

Meanwhile, on April 11, 2014, the Court received a Letter[5] dated April 10, 2014 from the Correctional Institution for Women informing the Court of the death of one of the accused-appellants in this case, Remedios, on March 7, 2014.[6] In a Resolution[7] dated September 9, 2015, the Court required the Superintendent of the Correctional Institution for Women to furnish the Court with a certified true copy of Remedios's death certificate and, in compliance thereto, the same was submitted by Officer-In-Charge Elsa Aquino-Alabado on February 11, 2016.[8] As Remedios's death transpired before the promulgation of the Court's July 7, 2014 Resolution in this case, i.e., when her appeal before the Court was still pending resolution, her 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:

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;

x x x x

In *People v. Amistoso*,^[9] 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*.^[10] Consequently, Remedios's death on March 7, 2014 renders the Court's July 7, 2014 Resolution irrelevant and ineffectual as to her, and is therefore set aside. Accordingly, the criminal case against Remedios is dismissed.

WHEREFORE, insofar as accused-appellant Remedios Contreras y Cruz is concerned, the Resolutions dated July 7, 2014 and December 1, 2014 of the Court are hereby SET ASIDE and Criminal Case Nos. 10-037 and 10-038 before the Regional Trial Court of Binangonan, Rizal are DISMISSED, in view of her demise.

SO ORDERED.

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

[1] Rollo, pp. 42-43. Signed by Division Clerk of Court Ma. Lourdes C. Perfecto.

[2] *Id.* at 42.

[3] Dated August 12, 2014. *Id.* at 44-47.

[4] *Id.* at 51. Signed by Division Clerk of Court Edgar O. Archeta.

[5] *Id.* at 19A. Said Letter was noted by the Court in its Resolution dated June 9, 2014; *id.* at 40A.

[6] See Certificate of Death; *id.* at 57.

[7] *Id.* at 54.

[8] See Letter dated February 9, 2016 with the attached copy of the Certificate of Death of Remedios; *id.* at 56-57.

[9] 716 Phil. 825 (2013).

[10] *Id.* at 830.

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