

PEOPLE OF THE PHILIPPINES PLAINTIFF-APPELLEE, VS. AGAPITO DIMAALA Y ARELA, ACCUSED-APPELLANT.

G.R. No. 225054. July 17, 2017

Ponente: PERLAS-BERNABE, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-225054/>

PERLAS-BERNABE, J.:

In a Decision[1] dated May 8, 2012, the Regional Trial Court of Calauag, Quezon (RTC) in Criminal Case No. 4994-C found accused-appellant Agapito Dimaala y Arela (accused-appellant) guilty beyond reasonable doubt of the crime of Murder, the dispositive portion of which reads:

WHEREFORE, premises considered, this court renders judgment finding AGAPITO DIMAALA y Arela GUILTY beyond reasonable doubt of the crime charged for the treacherous killing of Rodrigo Marasigan. Said accused is hereby sentenced to Reclusion Perpetua without eligibility for parole.

He is likewise ordered to pay the family of Rodrigo Marasigan the following:

PhP 75,000.00 as civil indemnity;
PhP 75,000.00 as moral damages;
PhP 36,000.00 as actual damages;
PhP 30,000.00 as exemplary damages; and
PhP 25,000.00 as temperate damages.

SO ORDERED.[2]

Accused-appellant appealed his conviction before the Court of Appeals (CA). In a Decision[3] dated September 23, 2015 in CA-G.R. CR No. 05595, the CA affirmed the RTC's decision finding accused-appellant guilty of the crime charged but deleted the award of temperate damages.[4]

Aggrieved, accused-appellant filed a Notice of Appeal[5] from the CA's Decision, but later on decided not to pursue his appeal. Thus, he filed a Motion to Withdraw Appeal with Prayer for Immediate Issuance of Entry of Judgment,[6] which the Court granted in its Resolution[7] dated September 21, 2016. Following the closure and termination of the case, the Court declared the finality of the aforesaid Resolution and issued an Entry of Judgment.[8]

Meanwhile, the Court received a Letter[9] dated February 23, 2017 from the Bureau of Corrections informing it that accused-appellant had died on August 23, 2016 at the New Bilibid Prison Hospital, as evidenced by the Certificate of Death[10] attached thereto.

In view of this development, the criminal action, as well as the civil action for the recovery of the civil liability ex delicto, is ipso facto extinguished.[11]

It is settled that the death of accused-appellant prior to his final conviction by the Court renders dismissible the criminal case against him.[12] Article 89 (1) of the Revised Penal Code provides that the criminal liability is

totally extinguished by the death of the accused, to wit:

Article 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. Culas*,^[13] citing *People v. Layag*,^[14] the Court explained the effects of the death of an accused pending appeal on his liabilities, as follows:

1. 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*."

2. 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*. x x x.

x x x x

In this relation, the Court stresses that accused-appellant's civil liability based on sources other than the subject *delict* survives, and the victim may file a separate civil action against the estate of accused-appellant, as may be warranted by law and procedural rules.^[15]

WHEREFORE, the Court resolves to: (a) DISMISS Crim. Case No. 4994-C before the Regional Trial Court of Calauag, Quezon by reason of the death of accused-appellant Agapito Dimaala y Arela; and (b) DECLARE the instant case CLOSED and TERMINATED. No costs.

SO ORDERED.

Velasco, Jr. (Chairperson), Peralta, Tijam, and Reyes, Jr., JJ., concur.

[1] Not attached to the rollo.

[2] Rollo, pp. 5-6.

[3] Id. at 2-13. Penned by Associate Justice Ramon Paul L. Hernando with Associate Justices Jose C. Reyes, Jr. and Stephen C. Cruz concurring.

[4] Id. at 12.

[5] Id. at 14.

[6] Dated July 28, 2016. Id. at 21-23.

[7] Id. at 30-31. Signed by Division Clerk of Court Wilfredo V. Lapitan.

[8] Id. at 36.

[9] Id. at 43.

[10] Id. at 44.

[11] See *People v. Layag*, G.R. No. 214875, October 17, 2016.

[12] See *People v. Culas*, G.R. No. 211166, June 5, 2017.

[13] See *id.*

[14] *Supra* note 12.

[15] See *id.*

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.