



Republic of the Philippines
Supreme Court
Manila

SPECIAL SECOND DIVISION

PEOPLE OF THE PHILIPPINES, **G.R. No. 229943**

Plaintiff-Appellee,

Present:

- versus -

EDGAR ROBLES, WILFREDO ROBLES, ROLANDO ROBLES alias "Bebot," DANTE ARON (Deceased), DANILO ROBLES alias "Toto," JOSE ROBLES (Deceased),

CARPIO, J., * Chairperson,
PERLAS-BERNABE,
CAGUIOA,
A. REYES, JR., and
J. REYES, JR., JJ.

Accused;

Promulgated:

18 MAR 2019

EDGAR ROBLES and WILFREDO ROBLES,
Accused-Appellants.

RESOLUTION

PERLAS-BERNABE, J.:

In a Resolution¹ dated November 19, 2018, the Court adopted the Decision² dated November 29, 2016 of the Court of Appeals (CA) in CA-G.R. CR HC No. 01430 finding accused-appellants Edgar Robles (Edgar) and Wilfredo Robles (accused-appellants) guilty beyond reasonable doubt of the crime of Murder, the pertinent portion of which reads:

* Designated Acting Chief Justice per Special Order No. 2644 dated March 15, 2019.

¹ Rollo, pp. 61-62. Signed by Division Clerk of Court Maria Lourdes C. Perfecto.

² Id. at 3-15. Penned by Associate Justice Edgardo T. Lloren with Associate Justices Rafael Antonio M. Santos and Ruben Reynaldo G. Roxas, concurring.

WHEREFORE, the Court **ADOPTS** the findings of fact and conclusions of law in the November 29, 2016 Decision of the CA in CA-G.R. HC No. 01430 and **AFFIRMS with MODIFICATION** said Decision finding accused-appellants Edgar Robles and Wilfredo Robles **GUILTY** beyond reasonable doubt of the crime of Murder, defined and penalized under Article 248 of the Revised Penal Code. Accordingly, they are each sentenced to suffer the penalty of *reclusion perpetua*, and to solidarily pay the heirs of [Dan Elvie] Sioco the following amounts: (a) ₱75,000.00 as civil indemnity; (b) ₱75,000.00 as moral damages; (c) ₱75,000.00 as exemplary damages; and (d) ₱50,000.00 as temperate damages. Moreover, all monetary awards shall earn interest at the legal rate of six percent (6%) per annum from the date of finality of this Resolution until full payment.³

However, before an Entry of Judgment could be issued in this case, the Court received a Notice of Death⁴ dated January 4, 2019 from accused-appellants' counsel informing the Court of Edgar's death on December 15, 2018, as evidenced by the Certificate of Death⁵ attached thereto.

As will be explained hereunder, there is a need to modify the Court's Resolution dated November 19, 2018 dismissing the criminal case insofar as Edgar is concerned.

Under prevailing law and jurisprudence, Edgar's death prior to his final conviction by the Court renders dismissible the criminal cases against him. Article 89 (1) of the Revised Penal Code provides that 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*,⁶ the Court thoroughly explained the effects of the death of an accused pending appeal on his liabilities, as follows:

From this lengthy disquisition, we summarize our ruling herein:

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

³ Id. at 61.

⁴ Id. at 63.

⁵ Id. at 64-65.

⁶ G.R. No. 211166, June 5, 2017, 825 SCRA 552.

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 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
- d) x x x
- e) Quasi-delicts

3. 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.

4. 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.⁷

Thus, upon Edgar’s death prior to his final conviction, the criminal action against him is extinguished. Consequently, the civil action instituted therein for the recovery of the civil liability *ex delicto* as to him is *ipso facto* extinguished, grounded as it is on the criminal action. However, it is well to clarify that Edgar’s civil liability in connection with his acts against the victim may be based on sources other than delicts; in which case, the victim’s heirs may file a separate civil action against Edgar’s estate, as may be warranted by law and procedural rules.⁸

WHEREFORE, the Court resolves to: (a) **MODIFY** the Court’s Resolution dated November 19, 2018 in connection with this case, **DISMISSING** Criminal Case No. 1690-LS before the Regional Trial Court of Surallah, South Cotabato, Branch 26 as against accused-appellant Edgar Robles by reason of his supervening death prior to his final conviction; and (b) **DECLARE** this case **CLOSED** and **TERMINATED** as to him.

⁷ Id. at 554-555; citations omitted.

⁸ See id. at 556; citations omitted.

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SO ORDERED.

Ms. Bern
ESTELA M. PERLAS-BERNABE
Associate Justice

WE CONCUR:

Antonio Carpio
ANTONIO T. CARPIO
Acting Chief Justice
Chairperson

Alfredo Caguioa
ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

Reyes
ANDRES B. REYES, JR.
Associate Justice

Jose C. Reyes, Jr.
JOSE C. REYES, JR.
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

Antonio Carpio
ANTONIO T. CARPIO
Acting Chief Justice
(Per Section 12, Republic Act No. 296,
The Judiciary Act of 1948, as amended)

Teresita Aquino Tuazon
TERESITA AQUINO TUAZON
DEPUTY DIVISION CLERK OF COURT
OCC. SECOND DIVISION