



REPUBLIC OF THE PHILIPPINES
 SUPREME COURT
 Manila

SECOND DIVISION

SUPREME COURT OF THE PHILIPPINES
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NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated **02 October 2019** which reads as follows:

G.R. No. 214348 – PEOPLE OF THE PHILIPPINES, plaintiff-appellee, versus CLINT ESTREBA y ENRIQUEZ, accused-appellant.

X-----X

In Criminal Case No. 7707-O, accused-appellant Clint Estreba y Enriquez (Estreba) was charged before the Regional Trial Court (RTC) of Ormoc City, Branch 35 with the crime of Parricide under an Information¹ dated October 2, 2006, the accusatory portion of which reads:

That on or about the 29th day of September 2006 at around 8:30 in the morning at Sitio Tuburan Purok 2 Brgy. Valencia, Ormoc City, and within the jurisdiction of this Honorable Court, the above-named accused CLINT ESTREBA y Enriquez, father of the victim Raven Clive Estreba y Tan, 2 years of age, with intent to kill, employing treachery and evident premeditation, did then and there willfully, unlawfully, and feloniously without provocation stab the said victim several times in different parts of his body, thereby inflicting upon him mortal wounds which caused the latter's instantaneous death, Autopsy Report is hereto attached.

In violation of Article 249, Revised Penal Code
 Ormoc City, October 2, 2006.²

After trial on the merits, the RTC convicted Estreba in the Judgment³ dated March 29, 2012, the dispositive portion of which reads:

WHEREFORE, premises considered, judgment is rendered finding the accused CLINT ESTREBA y Enriquez, guilty beyond reasonable doubt of the crime of Parricide for the killing of his son Rave[n] Clive Tan Estreba, and sentencing him to suffer the penalty of RECLUSION PERPETUA. In addition, the accused is ordered to indemnify the heirs of Raven Clive Estreba in the amount of P75,000.00 without need of further evidence other than the fact of the commission of parricide. Moral damages in the amount of P75,000.00 is also awarded. In line with the prevailing jurisprudence, exemplary damages is awarded to the heirs of the victim Raven Clive Estreba on account of relationship, a qualifying circumstance, which was alleged and proved, in the crime of parricide.

If the accused is a prisoner, the period of his detention shall be credited if he abides with the rules and regulations covering detained prisoners if not then for only four-fifths (4/5) thereof.

SO ORDERED.⁴

¹ Records, pp. 2-3.

² Id. at 2.

³ CA rollo, pp. 42-54. Penned by Presiding Judge Apolinario M. Buaya.

⁴ Id. at 54.

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In a Decision⁵ dated June 27, 2014, the Court of Appeals (CA) affirmed the judgment of the RTC with modifications as to the award of indemnity and damages, that Estreba was ordered to pay the heirs of the victim the amounts of ₱50,000.00 as civil indemnity, ₱50,000.00 as moral damages, and ₱30,000.00 as exemplary damages, with interest at the rate of 6% per annum from the date of finality of the judgment of conviction until fully paid.⁶

Aggrieved, Estreba filed a Notice of Appeal⁷ from the CA's Decision.

Subsequently, the Court notified the parties that they may file their respective Supplemental Briefs, if they so desired, within thirty (30) days from notice.⁸ Both parties manifested⁹ that they would no longer file supplemental briefs and instead, they merely adopted the briefs filed with the CA.

During the pendency of the present appeal, however, in a letter¹⁰ dated October 19, 2017, SOII Jorge A. Colanta, Officer-In-Charge, Leyte Regional Prison, Abuyog, Leyte, informed the Court that Estreba had died on October 7, 2017 as evidenced by the Certificate of Death¹¹ of Estreba, stating that he died of acute renal failure.

Article 89, paragraph 1 of the Revised Penal Code (RPC), provides for the consequences of Estreba's death, to wit:

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[.]

Construing the foregoing provision, the Court, in *People v. Bayotas*,¹² explained that “[t]he term final judgment employed in the Revised Penal Code means judgment beyond recall. Really, as long as a judgment has not become executory, it cannot be truthfully said that defendant is definitely guilty of the felony charged against him.”¹³

⁵ Id. at 102-114. Penned by Associate Justice Marie Christine Azcarraga-Jacob, with Associate Justices Gabriel T. Ingles and Ma. Luisa C. Quijano-Padilla concurring.

⁶ Id. at 113-114.

⁷ Id. at 115-117.

⁸ *Rollo*, p. 22.

⁹ See plaintiff-appellee's Manifestation and Motion (In Lieu of Supplemental Brief) dated February 18, 2015, id. at 24-27 and Estreba's Manifestation (In Lieu of Supplemental Brief) dated February 9, 2015, id. at 28-30.

¹⁰ *Rollo*, p. 45.

¹¹ Id. at 46, 52.

¹² 306 Phil. 266 (1994).

¹³ Id. at 270, citing *People v. Castillo*, 56 O.G. No. 23, pp. 4045, 4049 (1960).

In the same case, the Court summarized the rules in case the accused dies prior to final judgment:

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 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 x x x 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.¹⁴

Thus, applying these established rules in the instant case, the death of Estreba pending the resolution of his appeal, extinguished his criminal liability inasmuch as there is no longer a defendant to stand as the accused; the civil action grounded on the criminal action is also extinguished.¹⁵ Accordingly, the Court holds that the death of Estreba results in the dismissal of the criminal case against him and the RTC's Judgment finding him guilty of the crime of Parricide, sentencing him to suffer a penalty of *reclusion perpetua* and directing him to indemnify the heirs of the victim, is rendered ineffectual.¹⁶

¹⁴ Id. at 282-284.

¹⁵ See *People v. Egagamao*, 792 Phil. 500, 508 (2016).

¹⁶ See *People v. Abungan*, 395 Phil. 456, 462 (2000).

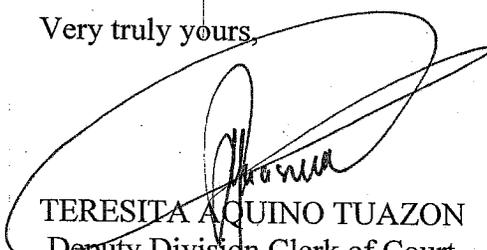
However, as also held in *Bayotas*, Estreba's civil liability may be based on sources other than *ex delicto*; in which case, the heirs of the victim may file a separate civil action against the estate of Estreba, as may be warranted by law and procedural rules.¹⁷

WHEREFORE, the appealed Decision dated June 27, 2014 of the Court of Appeals in CA-G.R. CR HC No. 01523 is **SET ASIDE** and Criminal Case No. 7707-O before the Regional Trial Court of Ormoc City, Branch 35, is **DISMISSED** by reason of the death of accused-appellant Clint Estreba y Enriquez. The instant case is hereby declared **CLOSED and TERMINATED**.

Let entry of judgment be issued immediately.

SO ORDERED. "

Very truly yours,



TERESITA AQUINO TUAZON
Deputy Division Clerk of Court
10 DEC 2019

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HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 35
Ormoc City
(Crim. Case No. 7707-O)

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Please notify the Court of any change in your address.
GR214348. 10/02/2019B(155 & 158[b])URES

¹⁷ See *People v. de Chavez, Jr.*, G.R. No. 229722, December 13, 2017, 849 SCRA 139, 144-145.