



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated April 28, 2021, which reads as follows:

“G.R. No. 248458 (PEOPLE OF THE PHILIPPINES, plaintiff-appellee v. YOALFRAEL CONSULTA y NUEVO @ “KAKAY”, accused-appellant). — The Court of Appeals elevated the records of this case to this Court in compliance with its Resolution, which gave due course to the Notice of Appeal filed by Yoalrael Consulta y Nuevo (Consulta).¹ The Court of Appeals and the Regional Trial Court found Consulta guilty beyond reasonable doubt of violating Republic Act No. 9165, otherwise known as Comprehensive Dangerous Drugs Act of 2002.

In 2016, Consulta was charged for sale of drugs and illegal possession of drugs and drug paraphernalia in violation of Republic Act No. 9165.² Consulta pled guilty to the charge of illegal possession of drugs and drug paraphernalia.³ However, as to the sale of drugs charge, Consulta pled not guilty. Trial then ensued.⁴

The Regional Trial Court found Consulta guilty of the charge.⁵ Thus:

IN VIEW OF THE FOREGOING, In Criminal Case No. 27153-2016-C, the Court finds the accused, Yoalrael Consulta y Nuevo, GUILTY BEYOND REASONABLE DOUBT of violation of Section 5, Article II of Republic Act 9165. The accused is hereby sentenced to suffer the penalty of LIFE IMPRISONMENT and TO PAY A FINE OF FIVE HUNDRED THOUSAND (P500,000.00) PESOS.

The Branch Clerk of Court is hereby ordered to turn-over the illegal drugs subject of this case to PDEA for proper disposition and destruction.

¹ *Rollo*, p. 13.

² *Id.* at 6.

³ *Id.*

⁴ *CA rollo*, p. 53.

⁵ *Id.* at 53–68. The March 7, 2018 Decision was penned by Presiding Judge Caesar C. Buenagua of Branch 37, Regional Trial Court, Calamba City.

SO ORDERED.⁶

Upon appeal, the Court of Appeals affirmed Consulta's conviction.⁷
Thus:

WHEREFORE, premises considered, the Decision dated 07 March 2018 of the Regional Trial Court, Branch 37, Calamba City, Laguna is AFFIRMED.

SO ORDERED.⁸

Consulta subsequently filed a Notice of Appeal which was given due course.⁹

The Court of Appeals then elevated the records of this case to this Court,¹⁰ which in turn notified the parties to file their supplemental briefs.¹¹ Both parties filed their manifestations stating that they will adopt their briefs before the appellate court.

While the case was pending, this Court received a letter from the Bureau of Corrections informing it that accused-appellant Consulta died on August 15, 2020.

Pursuant to Article 89(1) of the Revised Penal Code, accused-appellant's death pending appeal of his conviction extinguishes his civil and criminal liabilities. The provision states:

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[.]¹²

Thus, it becomes unnecessary for this Court to rule on accused-appellant's appeal, as his criminal and civil liability *ex delicto* were totally extinguished following his death.¹³

⁶ Id. at 68.

⁷ *Rollo*, p. 3-12. The April 1, 2019 Decision was penned by Associate Justice Manuel M. Barrios and concurred in by Associate Justice Japar B. Dimaampao and Associate Justice Maria Filomena D. Singh of the Fourth Division, Court of Appeals, Manila.

⁸ Id. at 11.

⁹ Id. at 13-16.

¹⁰ Id. at 13.

¹¹ Id.

¹² REV. PEN. CODE, art. 89(1).

¹³ *People v. Olaco y Palar*, 675 Phil. 205-211 (2011) [Per J. Leonardo-De Castro, First Division].

WHEREFORE, the April 1, 2019 Decision of the Court of Appeals in CA-G.R. CR-H.C. No. 10935 is **SET ASIDE** and Criminal Case No. 27153-16-C before the Regional Trial Court is **DISMISSED**.

SO ORDERED.”

By authority of the Court:

Mis PDC Batt
MISAEAL DOMINGO C. BATTUNG III
Division Clerk of Court
SEX
SIB/21

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The Presiding Judge
REGIONAL TRIAL COURT
Branch 37, 4027 Calamba City
Laguna
(Crim. Case 27153-16-C)

Mr. Yoalrael N. Consulta @ "Kakay"
c/o The Superintendent
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