



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated 27 January 2021 which reads as follows:

“G.R. No. 251023 (*People of the Philippines v. Benito Nisperos Ramos, Jr., a.k.a. “Bubot”*).

In a Joint Decision¹ in Criminal Case Nos. 11326 and 11327 dated August 29, 2017, the Regional Trial Court of San Fernando City, La Union, Branch 29 (RTC), found accused-appellant Benito Nisperos Ramos, Jr., guilty beyond reasonable doubt of violation of Sections 5 and 11, Article II of Republic Act (RA) No. 9165, or the “Comprehensive Dangerous Drugs Act,” the dispositive portion of which reads:

WHEREFORE, premises considered, judgment is hereby rendered as follows:

1.) In Criminal Case No. 11326, for violation of Sec. 5, Art. II, RA 9165, the accused Benito Ramos, Jr. is found GUILTY beyond reasonable doubt and is sentenced to suffer life imprisonment and to pay a fine of P500,000.00. x x x.

2.) In Criminal Case No. 11327 for violation of Sec. 11, Art. II, RA 9165, the accused Benito Ramos, Jr. is found GUILTY beyond reasonable doubt and is sentenced to suffer imprisonment ranging from TWELVE (12) YEARS and ONE (1) DAY as minimum to FOURTEEN (14) YEARS and TWENTY-ONE (21) DAYS as maximum, and to pay a fine of P300,000.00. x x x.

x x x x

SO ORDERED.²

¹ CA rollo, pp. 50-58; penned by Presiding Judge Asuncion F. Mandia.

² Id. at 57-58.

Accused-appellant appealed his conviction before the Court of Appeals (CA). In a Decision³ dated January 10, 2019, the CA affirmed *in toto* the RTC's decision. Aggrieved, accused-appellant filed a Notice of Appeal⁴ from the CA's decision. After having been required to file their respective supplemental briefs,⁵ the Office of the Solicitor General – for the People of the Philippines, filed a Manifestation⁶ in lieu of filing the required brief. Thus, the court **NOTES** the manifestation (re: supplemental brief) dated November 23, 2020 of the Office of the Solicitor General, by way of compliance with the Resolution dated June 10, 2020, that it is not filing a supplemental brief as the Appellee's Brief dated June 20, 2018, filed before the Court of Appeals had sufficiently discussed the issues and arguments in this case.

Meanwhile, on November 11, 2020, the Court received a Manifestation with Motion to Dismiss Appeal of Accused-Appellant Benito Nisperos Ramos, Jr., (Manifestation)⁷ from the Public Attorney's Office, informing the Court of the death of the accused-appellant on August 27, 2019. Attached to the Manifestation is a certified true copy of accused-appellant's Death Certificate.⁸

Considering the death of accused-appellant pending this appeal, the dismissal of this case is warranted.

Under paragraph 1, Article 89 of the Revised Penal Code, criminal liability is totally extinguished by the death of the convict. The Court explained in *People v. Bayotas*,⁹ that the death of the accused pending appeal of his conviction extinguishes his criminal liability as well as the civil liability based solely thereon. The same case summarized the rules on the effect of the death of the accused as to his liability while review of his conviction is pending, thus:

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:

³ *Rollo*, pp. 3-13; penned by Associate Justice Ricardo R. Rosario (now a Member of this Court), with the concurrence of Associate Justices Nina G. Antonio-Valenzuela and Perpetual T. Atal-Paño.

⁴ *Id.* at 14-15.

⁵ *Id.* at 20.

⁶ *Id.* at 32-34.

⁷ *Id.* at 22-26.

⁸ *Id.* at 29-30.

⁹ 306 Phil. 266 (1994).

- a) Law
- b) Contracts
- c) Quasi-contracts
- d) [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 provisions of Article 1155 of the Civil Code, that should thereby avoid any apprehension on a possible privation of right by prescription.¹⁰ (Citations omitted.)

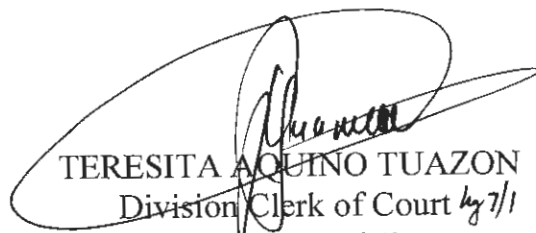
Thus, upon accused-appellant's death pending appeal of his conviction, the criminal action is extinguished inasmuch as there is no longer a defendant to stand as the accused; the civil action instituted therein for the recovery of civil liability *ex delicto* is *ipso facto* extinguished, grounded as it is on the criminal action.¹¹

WHEREFORE, the appeal of the late Benito Nisperos Ramos, Jr., is **DISMISSED**. This case is declared **CLOSED and TERMINATED**.

Let entry of final judgment be issued immediately.

SO ORDERED.”

By authority of the Court:


TERESITA AQUINO TUAZON
Division Clerk of Court by 7/1
02 JUL 2007

¹⁰ *Id.* at 282-284.

¹¹ *People v. Egagamao*, 792 Phil. 500, 508 (2016).

Resolution

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G.R. No. 251023
January 27, 2021

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HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 29
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(Crim. Case Nos. 11326 & 11327)

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Please notify the Court of any change in your address.
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