



SUPREME COURT OF THE PHILIPPINES
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Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

PEOPLE OF THE G.R. No. 225607
PHILIPPINES,

Plaintiff-Appellee, Present:

- versus -

PAUL ANDERSON y JEFFREY,
Accused-Appellant.

PERLAS-BERNABE, J.,
Chairperson,
HERNANDO,
ZALAMEDA,
ROSARIO, and
MARQUEZ, JJ.

Promulgated:

MAR 28 2022

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RESOLUTION

PERLAS-BERNABE, J.:

In a Resolution¹ dated April 26, 2017, the Court affirmed the Decision² dated March 27, 2015 of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 06518 finding accused-appellant Paul Anderson y Jeffrey (Anderson) guilty beyond reasonable doubt of two (2) counts Rape by Sexual Assault and Acts of Lasciviousness, the pertinent portions of which read:

After an exhaustive review of the allegations, issues and arguments presented by the parties, the Court resolves to **DISMISS** the appeal for failure to sufficiently prove that the CA committed a reversible error in its assailed decision as to warrant the exercise of the Court's appellate jurisdiction.

¹ Rollo, pp. 77-78.

² Id. at 3-51. Penned by Associate Justice Remedios A. Salazar-Fernando, with Associate Justices Marlene Gonzales-Sison and Ramon A. Cruz, concurring.

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WHEREFORE, the appeal is dismissed. The Decision dated March 27, 2015 of the Court of Appeals in CA-G.R. CR-H.C. No. 06518, holding Paul Anderson y Jeffrey guilty of the crimes of two (2) separate counts of Rape through Sexual Assault and Acts of Lasciviousness, is **AFFIRMED**. The amounts of damages awarded including the imposition of the additional six percent (6%) legal interest *per annum* on all said damages and costs so awarded are also **AFFIRMED in toto**.³

However, in a Manifestation and Undertaking with Motion to Dismiss⁴ dated July 26, 2017, Anderson's counsel informed the Court that he had already died on April 21, 2007, as evinced by Anderson's Certificate of Death.⁵ Notably, this means that Anderson had already passed away during the pendency of the criminal case against him, since the same was resolved by the Court only through the aforesaid Resolution dated April 26, 2017.

Under prevailing law and jurisprudence, Anderson's death prior to his final conviction by the Court should have resulted in the dismissal of the criminal case 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

Likewise, the civil action instituted for the recovery of the civil liability *ex delicto* is also *ipso facto* extinguished, as it is grounded on the criminal action. The rationale behind this rule is that upon an accused-appellant's death pending appeal of his conviction, the criminal action is deemed extinguished inasmuch as there is no longer a defendant to stand as the accused.⁶

Nonetheless, the Court clarified in *People v. Culas*⁷ that in such an instance, the accused's civil liability in connection with his acts against the victim may be based on sources other than delicts; in which case, the victim

³ Id. at 77.

⁴ Id. at 79-82.

⁵ Id. at 92, including dorsal portion.

⁶ See *People v. Culas*, 810 Phil. 205, 209 (2017).

⁷ 810 Phil. 205 (2017).

may file a separate civil action against the accused's estate, as may be warranted by law and procedural rules, *viz.*:

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 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 provisions of Article 1155 of the Civil Code, that should thereby avoid any apprehension on a possible privation of right by prescription.⁸

Therefore, had the Court been timely made aware of Anderson's supervening death in the interim, his conviction would not have been affirmed as his criminal liability and civil liability *ex delicto* in connection therewith had already been extinguished. In view of the foregoing, the Court is constrained to set aside the Resolution dated April 26, 2017 issued in connection with this case. Consequently, the Court hereby dismisses Criminal Case Nos. 04-7543, 04-7618, and 04-7619 before the Regional Trial Court of Muntinlupa City, Branch 207 by reason of Anderson's supervening death prior to his final conviction.

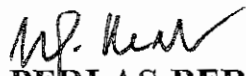
⁸ *Id.* at 208-209; citing *People v. Layag*, 797 Phil. 386, 390-391 (2016); further citations omitted.

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WHEREFORE, the Court resolves to: (a) **SET ASIDE** the Court's Resolution dated April 26, 2017; (b) **DISMISS** Criminal Case Nos. 04-7543, 04-7618, and 04-7619 before the Regional Trial Court of Muntinlupa City, Branch 207 by reason of accused-appellant Paul Anderson y Jeffrey's supervening death prior to his final conviction; and (c) **DECLARE** this case **CLOSED** and **TERMINATED**. No costs.

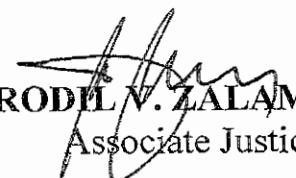
Let entry of judgment be issued immediately.

SO ORDERED.


ESTELA M. PERLAS-BERNABE
Senior Associate Justice
Division Chairperson

WE CONCUR:


RAMON PAUL L. HERNANDO
Associate Justice

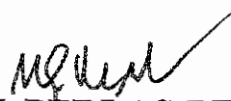

RODIL V. ZALAMEDA
Associate Justice


RICARDO R. ROSARIO
Associate Justice


JOSE MIDAS P. MARQUEZ
Associate Justice

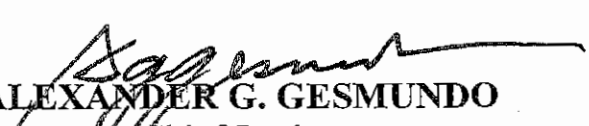
ATTESTATION

I attest 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.


ESTELA M. PERLAS-BERNABE
Senior Associate Justice
Chairperson, Second Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, and the Division Chairperson's Attestation, 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.


ALEXANDER G. GESMUNDO
Chief Justice