



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **October 12, 2020** which reads as follows:*

“G.R. No. 243662 (*People of the Philippines v. Osias Gay-Ody Cortez*). - This is to resolve the manifestation on the death of accused Osias Gay-Od.

The records show that a letter¹ dated May 23, 2019 of CSupt. Marites D. Luceno, Chief, Inmate Documents and Processing Division, Bureau of Corrections, Muntinlupa City, was received by this Court, confirming the confinement therein of accused-appellant since September 24, 2016 and informing this Court that the same accused-appellant died on August 9, 2017. Another letter² dated May 29, 2019 of Raymund DL. Peneyra, Corrections Senior Inspector Chief of the New Bilibid Prison, Bureau of Corrections, Muntinlupa City was received by this Court informing the latter that the accused-appellant died on August 9, 2017, with a photocopy of accused-appellant’s death certificate attached thereto.

As such, this Court issued a Resolution³ dated July 24, 2019 requiring the Superintendent of the New Bilibid Prison, Bureau of Corrections, Muntinlupa City, to submit to this Court the original or duplicate original, or certified true copy of the Death Certificate of accused-appellant within five (5) days from notice.

The Court’s Resolution dated July 24, 2019 was not complied with, however, this Court received a Manifestation with Motion to Withdraw Appeal⁴ dated December 11, 2019 from the Public Attorney’s Office, attaching a certified true copy of accused-appellant’s Certificate of Death.

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¹ *Rollo*, p. 33.

² *Id.* at 37.

³ *Id.* at 48.

⁴ *Id.* at 51-53.

Article 89 of the Revised Penal Code provides:

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.

x x x

Hence, due to the demise of accused-appellant Osias Gay-Od y Cortez, Criminal Cases Nos. RTC-13-1817 and RTC-13-1822 against deceased accused-appellant is now considered **CLOSED** and **TERMINATED**, and his criminal liability is thereby **TOTALLY EXTINGUISHED**.

SO ORDERED.” *Rosario, J., designated Additional Member per Special Order No. 2794 dated October 9, 2020.*

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court
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The Solicitor General
134 Amorsolo Street, Legaspi Village
1229 Makati City

The Director General
Bureau of Corrections
1770 Muntinlupa City

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(CA-G.R. CR HC No. 08227)

The Hon. Presiding Judge
Regional Trial Court, Branch 63
Calabanga, 4405 Camarines Sur
(Crim. Case Nos. 13-1816 to 13-1822)

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Mr. Osias C. Gay-Od
Accused-Appellant
(Deceased)



MTA