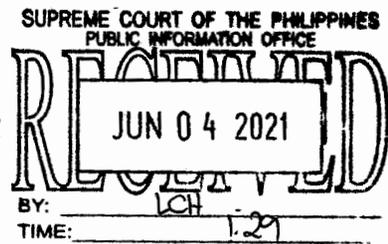




Republic of the Philippines  
Supreme Court  
Manila



THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated **September 2, 2020**, which reads as follows:

“**G.R. No. 244676 (People of the Philippines v. Christian Formentera y Manlangit)**. – This is an appeal<sup>1</sup> from the Decision<sup>2</sup> dated March 15, 2018 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 07213 entitled *People of the Philippines v. Christian Formentera y Manlangit*. The assailed ruling affirmed with modification the Judgment<sup>3</sup> dated October 28, 2014 of the Regional Trial Court (RTC), Daet, Camarines Norte, Branch 41, which found accused-appellant Christian Formentera y Manlangit (Formentera) guilty beyond reasonable doubt of the crime of rape.

After trial, the RTC rendered its Judgment dated October 28, 2014 finding Formentera guilty of rape under paragraph 1(a), Article 266-A of the Revised Penal Code, as amended by Republic Act No. 8353.<sup>4</sup> Formentera was sentenced to suffer the penalty of *reclusion perpetua* and was ordered to pay AAA<sup>5</sup> ₱50,000.00 as civil indemnity, ₱50,000.00 as moral damages, and ₱25,000.00 as exemplary damages.<sup>6</sup>

On appeal, the CA affirmed the decision of the RTC with modification only as to the penalties imposed. The CA increased the awards of civil indemnity, moral damages, and exemplary damages to ₱75,000.00 each with six percent annual legal interest on the monetary awards from the finality of the Decision until full payment thereof.<sup>7</sup>

<sup>1</sup> *Rollo*, p. 19

<sup>2</sup> Penned by Associate Justice Eduardo B. Peralta, Jr., with the concurrence of Associate Justices Ricardo R. Rosario and Ronaldo Roberto B. Martin; *CA rollo*, pp. 103-117.

<sup>3</sup> Penned by Presiding Judge Arniel A. Dating; *id* at 64-74.

<sup>4</sup> Records, p. 168.

<sup>5</sup> As decreed in *People v. Cabalquinto*, 533 Phil. 709 (2006), complainant’s real name is withheld to effectuate the provisions of R.A. 7610 and its implementing rules, R.A. 9262 (Anti Violence Against Women and Their Children Act of 2004) and its implementing rules, and A.M. No. 04-10-11-SC (Rule on Violence Against Women and their Children).

<sup>6</sup> Records, p. 74.

<sup>7</sup> *Id.* at 117.

Formentera filed a Notice of Appeal.<sup>8</sup> Both parties filed their respective Manifestation stating that they are no longer filing a supplemental brief as they are adopting the Briefs they have filed with the CA.<sup>9</sup>

However, in a Letter<sup>10</sup> dated July 8, 2020, CSInsp. Junior G. Lang-Ayan of the New Bilibid Prisons' Office of the Chief Superintendent informed the Court that Formentera died on April 20, 2020. Attached with the letter is a Certificate of Death<sup>11</sup> issued by CTO1 James Michael C. Solaña of the Medical Records Division and a Notice of Death<sup>12</sup> issued by the New Bilibid Prison Hospital's Medical Officer on Duty, CTCInsp. Dr. Ruth B. Algonos. The Certificate of Death and Notice of Death both indicate Formentera's date of death on April 20, 2020 with the immediate cause "for autopsy." The Notice of Death specified Formentera's time of death at 11:40 a.m. at the hospital's Emergency Room.

Under Article 89, paragraph 1<sup>13</sup> of the Revised Penal Code, as amended, the death of the offender prior to his final conviction by the Court extinguishes both his criminal and civil liability *ex delicto*.

The Court has already enunciated the following guidelines construing the above provision in case the accused dies before 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
  - 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

<sup>8</sup> Id. at 119.

<sup>9</sup> *Rollo*, pp. 26-27, 32-33.

<sup>10</sup> Id. at 38.

<sup>11</sup> Id. at 39.

<sup>12</sup> Id. at 40.

<sup>13</sup> 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 therefore is extinguished only when the death of the offender occurs before final judgment

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 there with 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.<sup>14</sup>

Applying these guidelines, upon the death of Formentera pending appeal of his conviction, the criminal action is extinguished 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.

In this case, when Formentera died on April 20, 2020, his appeal to this Court was still pending. The death of Formentera extinguished his criminal liability, as well as his civil liability directly arising from and based solely on the crime he committed. Thus, the criminal case against him must also be dismissed.

**WHEREFORE**, the Court resolves to **DISMISS** Criminal Case No. 14119 before the Regional Trial Court of Daet, Camarines Norte, Branch 41, by reason of the death of the accused-appellant Christian Formentera y Manlangit on April 20, 2020, and **DECLARE** the instant case **CLOSED** and **TERMINATED**.

**SO ORDERED.**"

By authority of the Court:

*Misael Domingo C. Battung III*  
**MISAELO DOMINGO C. BATTUNG III**  
Division Clerk of Court *by*  
*12/23/21*

OFFICE OF THE SOLICITOR GENERAL  
134 Amorsolo Street  
1229 Legaspi Village, Makati City

<sup>14</sup> *People v. Paras*, 746 Phil. 167, 170-171 (2014).

COURT OF APPEALS  
CA G.R. CR HC No. 07213  
1000 Manila

Special & Appealed Cases Service  
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1104 Diliman, Quezon City

The Presiding Judge  
REGIONAL TRIAL COURT  
Branch 41, Daet  
4600 Camarines Norte  
(Crim. Case No. 14119)

The Director General  
BUREAU OF CORRECTIONS  
1770 Muntinlupa City

The Superintendent  
New Bilibid Prison North  
BUREAU OF CORRECTIONS  
1770 Muntinlupa City

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G.R. No. 244676/psj

/s/psj

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