



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated March 3, 2021, which reads as follows:

G.R. No. 229718 (*People of the Philippines v. Hidayah Marohom y Amatonding*). — In a Resolution¹ dated July 26, 2017, the Court sustained Hidayah Marohom y Amatonding's (accused-appellant) conviction for violation of Section 5, Article II of Republic Act No. 9165,² thus affirming the Decision³ dated July 26, 2016 of the Court of Appeals (CA) in CA-G.R. CR HC No. 07233. The *fallo* of the Resolution reads:

WHEREFORE, the Court **ADOPTS** the findings of fact and conclusions of law in the Decision dated July 26, 2016 of the CA in CA-G.R. CR-HC No. 07233 and **AFFIRMS** said Decision finding accused-appellant Hidayah Marohom y Amatonding **GUILTY** beyond reasonable doubt of violation of Section 5 of R.A. 9165, sentencing her to suffer the penalty of life imprisonment and to pay a fine of P500,000.00.

x x x x

SO ORDERED.⁴

On June 10, 2019, the Court issued a Resolution⁵ denying (with finality) accused-appellant's motion for reconsideration of the July 26, 2017 Resolution, as no substantial arguments were raised to warrant its reconsideration. Hence, an Entry of Judgment⁶ was issued certifying that the July 26, 2017 Resolution had become final and executory on June 10, 2019.

However, it appears that before such Entry of Judgment, accused-appellant had already died on November 8, 2018, as evidenced by her

¹ *Rollo*, pp. 37-38.

² Otherwise known as the "Comprehensive Dangerous Drugs Act of 2002."

³ *Rollo*, pp. 2-17; penned by Associate Justice Noel G. Tijam, with Associate Justices Francisco P. Acosta and Eduardo B. Peralta, Jr., concurring.

⁴ *Id.* at 37-38.

⁵ *Id.* at 50-51.

⁶ *Id.* at 54.

Certificate of Death.⁷

Accordingly, the Court resolves to set aside the July 26, 2017 Resolution, and enter a new one dismissing the criminal case against accused-appellant.

Pursuant to prevailing jurisprudence, accused-appellant's death prior to his/her final conviction renders dismissible the criminal case against him/her.⁸ 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[.]

In *People v. Bayotas*,⁹ the Court explained the effects of the death of an accused pending appeal or finality of his/her conviction on his/her liabilities, as follows:

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

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.¹⁰

⁷ Id. at 73.

⁸ See *People v. Culas*, 810 Phil. 205, 207-208 (2017).

⁹ 356 Phil. 266 (1994); see *People v. Egagamao*, 792 Phil. 500, 507-508 (2006).

¹⁰ Id. at 282-283, as cited in *People v. Egagamao*, id.

In *People v. Paras*,¹¹ the Court rendered judgment in a criminal case without being informed earlier that the accused had already passed away. The Court set aside its decision and dismissed the criminal case, applying the principle that the death of the accused pending appeal extinguishes his/her criminal liability. Considering that the accused's death pending appeal extinguishes her criminal liability and civil liability *ex delicto*, the criminal action must be dismissed, as there is no longer a defendant to stand as the accused.¹²

Here, when accused-appellant died on November 8, 2018 during the pendency of her appeal or prior to the finality of her conviction, her criminal liability has already been extinguished. From that point on, the criminal action had no defendant upon which the action is based. Therefore, the Court's July 26, 2017 Resolution, as well as its consequent Entry of Judgment dated June 10, 2019, had become ineffectual and must be set aside. The criminal action must be dismissed.

WHEREFORE, the Court resolves to **SET ASIDE** its Resolution dated July 26, 2017 and **DISMISS** Criminal Case No. Q-10-166307 before the Regional Trial Court of Quezon City, Branch 103, on account of the death of accused-appellant Hidaya Marohom y Amatonding on November 8, 2018. The case is hereby declared **CLOSED and TERMINATED**.

SO ORDERED. (*Leonen and Lopez, J., JJ., on leave.*)

By authority of the Court.

Misael Domingó C. Battung III
MISAELO DOMINGO C. BATTUNG III
Division Clerk of Court *Jan 5/20/21*

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¹¹ G.R. No. 192912, October 22, 2014, 739 SCRA 179 (Resolution).

¹² *Id.*, at 184.

The Presiding Judge
REGIONAL TRIAL COURT
Branch 103, 1100 Quezon City
(Crim. Case No. Q-10-166307)

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