



Republic of the Philippines  
**Supreme Court**  
 Manila

FIRST DIVISION

SUPREME COURT OF THE PHILIPPINES  
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**PEOPLE OF THE PHILIPPINES,**  
 Plaintiff-Appellee,

**G.R. No. 229722**

Present:

- versus -

SERENO, *CJ.*,  
 Chairperson,  
 LEONARDO-DE CASTRO,  
 DEL CASTILLO,  
 LEONEN,\* and  
 JARDELEZA, *JJ.*

**DIONISIO DE CHAVEZ, JR. y**  
**ESCOBIDO,**  
 Accused-Appellant.

Promulgated:

**DEC 13 2017**

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**RESOLUTION**

**LEONARDO-DE CASTRO, J.:**

Before the Court is an appeal filed by accused-appellant Dionisio de Chavez, Jr. y Escobido (accused-appellant de Chavez) assailing the Decision<sup>1</sup> dated June 29, 2016 of the Court of Appeals in CA-G.R. CR-HC No. 06079, which affirmed the Decision<sup>2</sup> dated November 22, 2012 of the Regional Trial Court (RTC) of Rosario, Batangas, Branch 87, in Criminal Case No. RY2K101.

In an Information dated April 17, 2000, accused-appellant de Chavez and another accused, Manolito de Chavez (co-accused Manolito) were charged with murder, defined and penalized under Article 248 of the Revised Penal Code, as amended by Republic Act No. 7659, committed as follows:

\* Per Raffle dated November 22, 2017.  
<sup>1</sup> *Rollo*, pp. 2-13; penned by Associate Justice Ramon A. Cruz with Associate Justices Marlene B. Gonzales-Sison and Henri Jean Paul B. Inting concurring.  
<sup>2</sup> *CA rollo*, pp. 57-64; penned by Presiding Judge Rose Marie Manalang-Austria.

*mi*

That on or about the 14<sup>th</sup> day of February, 2000, at about 5:15 o'clock in the afternoon, at Barangay Lipahan, Municipality of San Juan, Province of Batangas, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, armed with a *balisong* knife, conspiring and confederating together, acting in common accord and mutually helping each other, with intent to kill, with treachery and evident premeditation and without any justifiable cause, did then and there willfully, unlawfully and feloniously attack, assault and stab with the said *balisong* knife suddenly and without warning one Virgilio A. Matundan, thereby inflicting upon the latter stab wounds on his back, which directly caused his death.<sup>3</sup>

Co-accused Manolito was arrested while accused-appellant de Chavez initially evaded arrest. After pre-trial but before trial could begin, however, co-accused Manolito died. Thus, in an Order dated February 26, 2004, the RTC ordered the dismissal of the case against Manolito, and the archival of the case against accused-appellant de Chavez who was then still at-large.

On March 17, 2005, accused-appellant de Chavez was arrested. Accordingly, his case was revived.

After trial on the merits, the RTC rendered a Decision dated November 22, 2012, finding accused-appellant de Chavez guilty beyond reasonable doubt of the crime of murder, the dispositive portion of which reads:

VIEWED FROM THE FOREGOING, conclusion is inescapable that the accused Dionisio de Chavez is GUILTY beyond reasonable doubt of the crime of MURDER defined in and penalized by Article 248 of the Revised Penal Code as amended by Republic Act [No.] 7659 for which the Court sentences him to suffer the penalty of *RECLUSION PERPETUA*, with all the accessory penalties of the law. Furthermore, the accused Dionisio de Chavez is ordered to pay the heirs of the deceased the amount of Seventy-Five Thousand Pesos (Php75,000.00) as civil indemnity; Seventy-Five Thousand Pesos (Php75,000.00) as moral damages; Seventy-Five Thousand Pesos (Php75,000.00) as exemplary damages and, Twenty-Five Thousand Pesos (Php25,000.00) as temperate damages.<sup>4</sup>

On appeal, the Court of Appeals affirmed the RTC Decision in a Decision dated June 29, 2016, to wit:

WHEREFORE, premises considered, the appeal is hereby DISMISSED, and the Decision dated November 22, 2012 of the Regional Trial Court of Rosario, Batangas, Branch 87, in Criminal Case No. RY2K101, is AFFIRMED.<sup>5</sup>

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<sup>3</sup> Rollo, p. 3.

<sup>4</sup> CA rollo, p. 64.

<sup>5</sup> Rollo, p. 11.

*mn*

Hence, this final appeal to the Court. During the pendency of the present appeal, however, in a letter<sup>6</sup> dated August 10, 2017, Police Superintendent (P/Supt.) I Roberto R. Rabo, Superintendent of the New Bilibid Prison, informed this Court that accused-appellant de Chavez had died on December 9, 2016 at the New Bilibid Prison Hospital. A certified true copy of the Certificate of Death<sup>7</sup> of accused-appellant de Chavez was attached to the said letter.

In view of the death of accused-appellant de Chavez on December 9, 2016, therefore, the criminal case against him, which includes this appeal, is hereby dismissed.

Paragraph 1, Article 89 of the Revised Penal Code, as amended, provides the effect of death of the accused on his criminal and civil liabilities, to wit:

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 the pecuniary penalties, liability therefor is extinguished only when the death of the offender occurs before final judgment[.]

In *People v. Bayotas*,<sup>8</sup> this Court applied the foregoing provision and laid down the following guidelines when the accused dies prior to 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 [the] 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

<sup>6</sup> Id. at 36.

<sup>7</sup> Id. at 38-39.

<sup>8</sup> G.R. No. 102007, September 2, 1994, 236 SCRA 239, 255-256.

*mm*

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

From the foregoing, it is clear that the death of accused-appellant de Chavez on December 9, 2016, during the pendency of his appeal, extinguished not only his criminal liability, but also his civil liabilities arising from or based on the crime. But, as held in *Bayotas*, accused-appellant de Chavez's civil liability may be based on other sources of obligation other than *ex delicto*, in which case the heirs of Virgilio A. Matundan may file a separate civil action against the estate of accused-appellant de Chavez, as may be warranted by law and procedural rules.

**WHEREFORE**, the appealed Decision dated June 29, 2016 of the Court of Appeals in CA-G.R. CR-HC No. 06079 is **SET ASIDE** and Criminal Case No. RY2K101 before the Regional Trial Court of Rosario, Batangas, Branch 87, is **DISMISSED**, by reason of the death of accused-appellant Dionisio de Chavez, Jr. y Escobido. No costs.

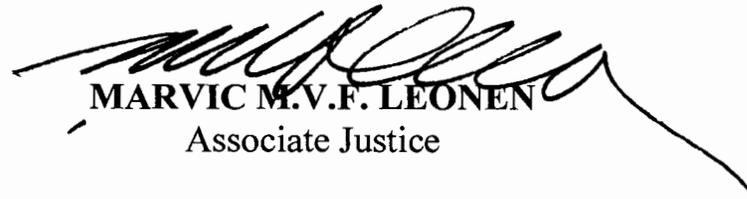
**SO ORDERED.**

  
TERESITA J. LEONARDO-DE CASTRO  
Associate Justice

WE CONCUR:

  
MARIA LOURDES P. A. SERENO  
Chief Justice  
Chairperson

  
**MARIANO C. DEL CASTILLO**  
Associate Justice

  
**MARVIC M.V.F. LEONEN**  
Associate Justice

  
**FRANCIS H. JARDELEZA**  
Associate Justice

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution, 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.

  
**MARIA LOURDES P. A. SERENO**  
Chief Justice