



Republic of the Philippines  
Supreme Court  
Manila

SPECIAL SECOND DIVISION

PEOPLE OF THE G.R. No. 240664  
PHILIPPINES, Plaintiff-Appellee, Present:

- versus -

JONATHAN MAYLON *y*  
ALVERO alias "JUN PUKE"  
and ARNEL ESTRADA *y*  
GLORIAN, Accused-Appellants.

PERLAS-BERNABE, S.A.J.,  
Chairperson,  
CAGUIOA,  
REYES, JR.,  
LAZARO-JAVIER, and  
DELOS SANTOS, JJ.

Promulgated:

22 JUN 2020

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RESOLUTION

PERLAS-BERNABE, J.:

In a Decision<sup>1</sup> dated March 11, 2019, the Court affirmed the Decision<sup>2</sup> dated February 23, 2018 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 09141 finding: (a) accused-appellants Jonathan Maylon *y* Alvero alias "Jun Puke" (Maylon) and Arnel Estrada *y* Glorian (Estrada; collectively, accused-appellants) guilty beyond reasonable doubt of violating Section 11, Article II of Republic Act No. 9165,<sup>3</sup> otherwise known as the "Comprehensive Dangerous Drugs Act of 2002;" and (b) Maylon guilty beyond reasonable doubt of violating Section 5 of the same Act, the pertinent portion of which reads:

<sup>1</sup> *Rollo*, pp. 57-64.

<sup>2</sup> *Id.* at 2-19. Penned by Associate Justice Jane Aurora C. Lantion with Associate Justices Remedios A. Salazar-Fernando and Ma. Luisa Quijano-Padilla, concurring.

<sup>3</sup> Entitled "AN ACT INSTITUTING THE COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002, REPEALING REPUBLIC ACT NO. 6425, OTHERWISE KNOWN AS THE DANGEROUS DRUGS ACT OF 1972, AS AMENDED, PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES," approved on June 7, 2002.

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**WHEREFORE**, the appeal is **DISMISSED**. The Court **ADOPTS** the findings of fact and conclusions of law in the Decision dated February 23, 2018 of the Court of Appeals in CA-G.R. CR-HC No. 09141 and **AFFIRMS** said Decision finding accused-appellant Jonathan Maylon y Alvero **GUILTY** beyond reasonable doubt of the crimes of Illegal Sale and Illegal Possession of Dangerous Drugs, defined and penalized under Sections 5 and 11, Article II of Republic Act No. 9165, respectively, and accused-appellant Arnel Estrada y Glorian **GUILTY** beyond reasonable doubt of the crime of Illegal Possession of Dangerous Drugs, defined and penalized under Section 11, Article II of the same Act. Accordingly, they are hereby sentenced as follows: (a) in Criminal Case No. 2014-4405-D-MK for Illegal Sale of Dangerous Drugs, accused-appellant Jonathan Maylon y Alvero is sentenced to suffer the penalty of life imprisonment and to pay a fine of ₱500,000.00; (b) in Criminal Case No. 2014-4406-D-MK for Illegal Possession of Dangerous Drugs, accused-appellant Jonathan Maylon y Alvero is sentenced to suffer the penalty of imprisonment for an indeterminate period of twelve (12) years and one (1) day, as minimum, to fourteen (14) years and eight (8) months, as maximum, and to pay a fine of ₱300,000.00; and (c) in Criminal Case No. 2014-4407-D-MK for Illegal Possession of Dangerous Drugs, accused-appellant Arnel Estrada y Glorian is sentenced to suffer the penalty of imprisonment for an indeterminate period of twelve (12) years and one (1) day, as minimum, [to] fourteen (14) years and eight (8) months, as maximum, and to pay a fine of ₱300,000.00.

**SO ORDERED.**<sup>4</sup>

Aggrieved, accused-appellants timely moved for reconsideration.<sup>5</sup> Meanwhile, the Court notes the separate letters<sup>6</sup> both dated June 28, 2019 from the Office of the Overseer and the Superintendent, New Bilibid Prison, informing the Court that Estrada had already died on April 26, 2018, as evidenced by his Certificate of Death<sup>7</sup> issued by the Office of the Civil Register General.

In view of Estrada's supervening death, there is a need to reconsider and set aside his conviction for Illegal Possession of Dangerous Drugs in Criminal Case No. 2014-4407-D-MK and enter a new one dismissing the same.

Under prevailing law and jurisprudence, Estrada's death prior to his final conviction by the Court renders dismissible 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:

<sup>4</sup> *Rollo*, p. 80.

<sup>5</sup> See motion for reconsideration dated July 12, 2019; *id.* at 83-88.

<sup>6</sup> See letters dated June 28, 2019 signed by Chief CSI Raymund DL. Peneyra and CSSupt. Arturo N. Sabadisto, respectively.

<sup>7</sup> *Rollo*, p. 67. In the letter dated June 28, 2019, the Office of the Overseer erroneously wrote that Estrada died on April 25, 2018.

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. Monroyo*,<sup>8</sup> the Court thoroughly explained the effects of the death of an accused pending appeal on his liabilities, as follows:

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 xx
- 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.<sup>9</sup>

Thus, upon Estrada’s death pending appeal of his conviction, the criminal action against him is extinguished inasmuch as there is no longer a defendant to stand as the accused.

<sup>8</sup> G.R. No. 223708, October 9, 2019.

<sup>9</sup> See *id.*, citing *People v. Culas*, 810 Phil. 205, 208-209 (2017).

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With respect to the Motion for Reconsideration of accused-appellant Maylon, the Court finds that the issues raised therein are but mere rehash of the grounds already evaluated and passed upon by the Court in the assailed Decision. Hence, the Court finds no cogent reason to reverse the same.

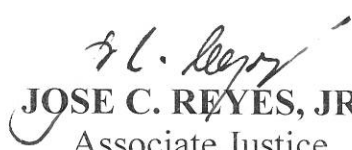
**WHEREFORE**, the Court resolves to: (a) **DENY** the Motion for Reconsideration filed by herein accused-appellant Jonathan Maylon y Alvero alias "Jun Puke"; and (b) **MODIFY** the Court's Decision dated March 11, 2019, **DISMISSING** Criminal Case No. 2014-4407-D-MK before the Regional Trial Court of Marikina City, Branch 263 and **DECLARING** the same **CLOSED** and **TERMINATED** by reason of the supervening death of accused-appellant Arnel Estrada y Glorian.

**SO ORDERED.**


  
**ESTELA M. PERLAS-BERNABE**  
Senior Associate Justice

**WE CONCUR:**

  
**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice

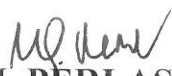
  
**JOSE C. REYES, JR.**  
Associate Justice

  
**AMY C. LAZARO-JAVIER**  
Associate Justice

  
**EDGARDO L. DELOS SANTOS**  
Associate Justice

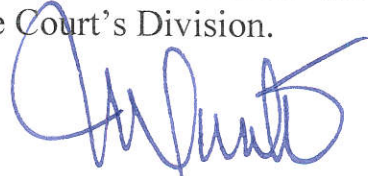
#### **ATTESTATION**

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, Special 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.



**DIOSDADO M. PERALTA**  
Chief Justice