



**Republic of the Philippines
Supreme Court
Manila**

SPECIAL SECOND DIVISION

PEOPLE OF THE PHILIPPINES, **G.R. No. 231878**

Plaintiff-Appellee,

Present:

- versus -

ANTONIO "PAY TONYO" CORROBELLA,

Accused-Appellant.

PERALTA, *C.J.*, Chairperson,
PERLAS-BERNABE,
CAGUIOA,
DELOS SANTOS, and
BALTAZAR-PADILLA,* *JJ.*

Promulgated:

OCT 14 2020

x-----x

RESOLUTION

PERLAS-BERNABE, J.:

In a Resolution¹ dated January 8, 2018 (January 8, 2018 Resolution), the Court affirmed *in toto* the Decision² dated November 29, 2016 of the Court of Appeals (CA) in CA-G.R. CR HC No. 07391 finding accused-appellant Antonio "Pay Tonyo" Corrobella (accused-appellant) guilty beyond reasonable doubt of three (3) counts of Statutory Rape, the pertinent portion of which reads:

WHEREFORE, the Court **ADOPTS** the findings of fact and conclusions of law in the November 29, 2016 Decision of the CA in CA-G.R. CR HC No. 07391 and **AFFIRMS** said Decision finding accused-appellant Antonio "Pay Tonyo" Corrobella **GUILTY** beyond reasonable doubt of three (3) counts of Statutory Rape, as defined and penalized under Article 266-A, paragraph 1 (d) of the Revised Penal Code, in relation to Section 5 (a) of Republic Act No. 8369 and Republic Act No.

¹ On leave.

¹ *Rollo*, pp. 30-31. Signed by Deputy Division Clerk of Court Teresita Aquino Guazon.

² *Id.* at 2-19. Penned by Associate Justice Ramon Paul L. Hernando (now a member of this Court) with Associate Justices Francisco P. Acosta and Stephen C. Cruz, concurring.

N

8353. Accordingly, he is sentenced to suffer the penalty of *reclusion perpetua* and ordered to pay AAA³ the following amounts for each count: (a) ₱75,000.00 as civil indemnity; (b) ₱75,000.00 as moral damages; and (c) ₱75,000.00 as exemplary damages, with legal interest at the rate of 6% per annum on all amounts due from the date of the finality of this Resolution until full payment.

Aggrieved, on February 22, 2018, accused-appellant filed a motion for reconsideration (MR). Subsequently, in a Resolution⁴ dated June 25, 2018, the Court required the Office of the Solicitor General to file its comment on the MR, which he complied with on October 10, 2018. Pending resolution of the MR, the Court received a Letter⁵ dated January 16, 2020 from the Bureau of Corrections notifying Us of the death of accused-appellant on January 14, 2020, as evidenced by the Notice of Death⁶ attached thereto.

Under prevailing law and jurisprudence, accused-appellant's death prior to his final conviction by the Court renders dismissible the criminal case against him, in accordance with Article 89 (1) of the Revised Penal Code which states 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 therefore is extinguished only when the death of the offender occurs before final judgment;

x x x x

In *People v. Layag*,⁷ 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:

³ The identity of the victim or any information which could establish or compromise her identity, as well as those of her immediate family or household members, shall be withheld pursuant to Republic Act No. (RA) 7610, entitled "AN ACT PROVIDING FOR STRONGER DETERRENCE AND SPECIAL PROTECTION AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION, AND FOR OTHER PURPOSES," approved on June 17, 1992; RA 9262, entitled "AN ACT DEFINING VIOLENCE AGAINST WOMEN AND THEIR CHILDREN, PROVIDING FOR PROTECTIVE MEASURES FOR VICTIMS, PRESCRIBING PENALTIES THEREFOR, AND FOR OTHER PURPOSES," approved on March 8, 2004; and Section 40 of A.M. No. 04-10-11-SC, otherwise known as the "RULE ON VIOLENCE AGAINST WOMEN AND THEIR CHILDREN" (November 15, 2004). (See footnote 4 in *People v. Cadano, Jr.*, 729 Phil. 576, 578 [2014], citing *People v. Lomaque*, 710 Phil. 338, 342 [2013]. See also Amended Administrative Circular No. 83-2015, entitled "PROTOCOLS AND PROCEDURES IN THE PROMULGATION, PUBLICATION, AND POSTING ON THE WEBSITES OF DECISIONS, FINAL RESOLUTIONS, AND FINAL ORDERS USING FICTITIOUS NAMES/PERSONAL CIRCUMSTANCES," dated September 5, 2017.) See further *People v. Ejercito*, G.R. No. 229861, July 2, 2018. To note, the unmodified CA Decision was not attached to the records to verify the real name of the victim.

⁴ Id. at 48.

⁵ Erroneously dated as "January 19, 2019." Id. at 67.

⁶ Id. at 68.

⁷ 797 Phil. 386 (2016).

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 *sensu 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 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 [the] provisions of Article 1155 of the Civil Code, that should thereby avoid any apprehension on a possible privation of right by prescription.⁸

Thus, upon accused-appellant’s death pending appeal of his conviction, the criminal action is extinguished inasmuch as there is no longer a defendant to stand as the accused; the civil action instituted therein for the recovery of the civil liability *ex delicto* is *ipso facto* extinguished, grounded as it is on the criminal action. However, it is well to clarify that accused-appellant’s civil liability in connection with his acts against the victim, AAA, may be based on sources other than delicts; in which case, AAA may file a separate civil action against the estate of accused-appellant, as may be warranted by law and procedural rules.⁹

WHEREFORE, the Court resolves to: (a) **SET ASIDE** the Court’s Resolution dated January 8, 2018 in connection with this case; (b) **DISMISS** Criminal Case Nos. P-4433, 4437, and 4438 before the Regional Trial Court of Pili, Camarines Sur, Branch 33, by reason of the

⁸ Id. at 390-391.

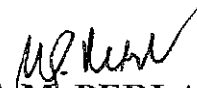
⁹ See id. at 391; citations omitted.

W

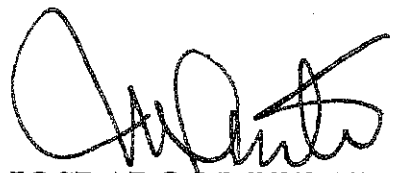
death of accused-appellant Antonio "Pay Tonyo" Corrobella; and (c) **DECLARE** the instant case **CLOSED AND TERMINATED**. No costs.

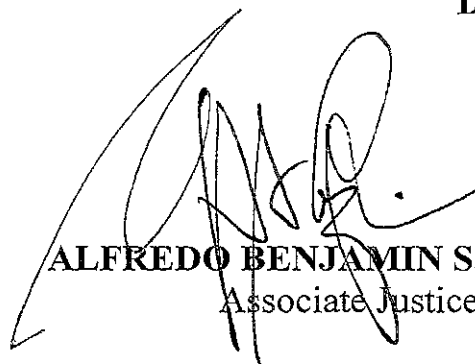
Let entry of judgment be issued immediately.

SO ORDERED.


ESTELA M. PERLAS-BERNABE
Senior Associate Justice

WE CONCUR:


DIOSDADO M. PERALTA
Chief Justice
Chairperson

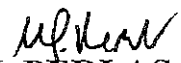

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice


EDGARDO L. DELOS SANTOS
Associate Justice

On Leave
PRISCILLA J. BALTAZAR-PADILLA
Associate Justice

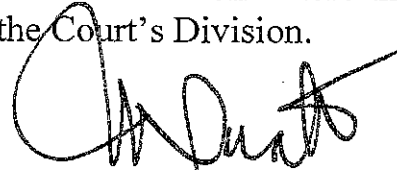
ATTESTATION

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 Special 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