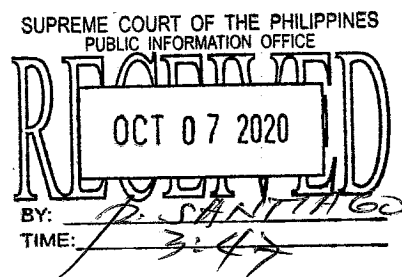




Republic of the Philippines  
Supreme Court  
Manila



THIRD DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated July 15, 2020, which reads as follows:*

**“G.R No. 223118: (PEOPLE OF THE PHILIPPINES, *plaintiff-appellee*, v. IAN SANTOS Y NAJER, NICASIO LEOPARDAS Y MONFORTE AND SONNY MOLERA Y TAPIA, *accused-appellants*.)** — This resolves the Appeal<sup>1</sup> pursuant to Section 13, paragraph (c), Rule 124 of the Rules of Court, as amended by A.M. No. 00-5-03-SC,<sup>2</sup> of the Court of Appeals Decision,<sup>3</sup> which affirmed the Decision<sup>4</sup> of the Regional Trial Court, Branch 81, Quezon City, convicting Ian Santos, Nicasio Leopardas and Sonny Molera of robbery with homicide.

The Court of Appeals gave due course to accused-appellants’ Notice of Appeal in its April 24, 2015 Resolution,<sup>5</sup> and elevated the records of the case to this Court on March 16, 2016.<sup>6</sup> In a May 30, 2016 Resolution<sup>7</sup>, this Court required the parties to submit their respective supplemental briefs, if they so desire. Both parties then filed Manifestations<sup>8</sup> stating that they would no longer file supplemental briefs.

However, in a December 9, 2019 Letter, Gil C. Llano, Officer-in-Charge of the Documents Section, Bureau of Corrections, Muntinlupa City, informed this Court that accused-appellant Molera died on November 28,

<sup>1</sup> *Rollo*, p. 17.

<sup>2</sup> Amendments to the Revised Rules of Criminal Procedure to Govern Death Penalty Cases (2004).

<sup>3</sup> *Rollo*, pp. 2–16. The Decision dated March 6, 2015 was penned by Associate Justice (now Supreme Court Justice) Amy C. Lazaro-Javier and concurred in by Associate Justices Celia C. Librea-Leagogo (Chair of the Eleventh Division) and Melchor Q.C. Sadang of the Eleventh Division, Court of Appeals, Manila.

<sup>4</sup> CA *rollo*, pp. 38–45. The Decision dated September 18, 2013 was penned by Presiding Judge Madonna C. Echiverri.

<sup>5</sup> *Rollo*, p. 20.

<sup>6</sup> *Id.* at 1.

<sup>7</sup> *Id.* at 21-A.

<sup>8</sup> *Id.* at 22–25 (Office of the Solicitor General Manifestation and Motion dated August 15, 2016) and 29–31 (Accused-appellants’ Manifestation (In Lieu of Supplemental Brief) dated August 18, 2016).

2019 due to an undetermined cause, as shown in the attached Report of Death issued by the New Bilibid Prison Hospital, Muntinlupa City.<sup>9</sup>

Article 89 of the Revised Penal Code provides:

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[.] (Emphasis in the original)

In *People v. Bayotas*,<sup>10</sup> this Court laid down the rules in case 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 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) . . .
  - 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

<sup>9</sup> Id. at 56.

<sup>10</sup> 306 Phil. 266 (1994) [Per J. Romero, En Banc].

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avoid any apprehension on a possible privation of right by prescription.<sup>11</sup> (Citations and emphasis omitted)

Pursuant to the foregoing rules, the death of accused-appellant Molera pending appeal of his conviction extinguishes his criminal liability as well as his civil liability *ex delicto*.<sup>12</sup> Consequently, the criminal case against him must be dismissed.<sup>13</sup>

After considering the parties' arguments and the records of this case, this Court resolves to **DISMISS** accused-appellants Ian Santos' and Nicasio Leopardas' appeal for failing to show reversible error in the assailed decision warranting this Court's appellate jurisdiction.

As to the penalty imposed on accused-appellants, this Court affirms the penalty of *reclusion perpetua*. However, in line with current jurisprudence,<sup>14</sup> this Court deems it proper to impose exemplary damages in the amount of ₱75,000.00, and to increase the amounts of civil indemnity and moral damages to ₱75,000.00. All damages awarded shall be subject to interest at the rate of six percent (6%) per annum from the finality of this Decision until full satisfaction.<sup>15</sup>

**WHEREFORE**, the findings of fact and conclusions of law of the Court of Appeals are **ADOPTED**. The assailed March 6, 2015 Decision of the Court of Appeals is **AFFIRMED with MODIFICATION**. Ian Santos y Najer and Nicasio Leopardas y Monforte are found **GUILTY** beyond reasonable doubt of the crime of Robbery with Homicide and are sentenced to suffer the penalty of *Reclusion Perpetua*. They are ordered to jointly and severally pay the heirs of victim Romeo Educano the following amounts: (1) Seventy-Five Thousand Pesos (₱75,000.00) as indemnity; (2) Seventy-Five Thousand Pesos (₱75,000.00) as moral damages; (3) Seventy-Five Thousand Pesos (₱75,000.00) as exemplary damages; and (4) Twenty Thousand Pesos (₱20,000.00) as temperate damages.

All damages awarded shall be subject to interest at the rate of six percent (6%) per annum from the finality of this Resolution until full satisfaction.

The December 9, 2019 Letter of Gil C. Llano, Officer-in-Charge of the Documents Section, Bureau of Corrections, Muntinlupa City is **NOTED**.

<sup>11</sup> Id. at 283–284.

<sup>12</sup> See *People v. Egagamao*, 792 Phil. 500 (2016) [Per J. Perlas-Bernabe, First Division].

<sup>13</sup> See *People v. Abungan*, 395 Phil. 456, 462 (2000) [Per J. Panganiban, Third Division].

<sup>14</sup> See *People v. Jugueta*, 783 Phil. 806 (2016) [Per J. Peralta, En Banc].

<sup>15</sup> See *Nacar v. Gallery Frames*, 716 Phil. 267 (2013) [Per J. Peralta, En Banc].

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Criminal Case No. Q-08-156027 is **DISMISSED** against Sonny Molera y Tapia by reason of his death.

**SO ORDERED.”**

By authority of the Court:

*Mis-DC Batt*  
**MISAELO DOMINGO C. BATTUNG III**  
*Division Clerk of Court / 8/1/2020*

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The Presiding Judge  
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(Crim. Case No. Q-08-156027)

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