



**Republic of the Philippines
Supreme Court
Manila**

FIRST DIVISION

PEOPLE OF THE PHILIPPINES, **G.R. No. 210801**

Plaintiff-Appellee, Present:

- versus -

**ALVIN CENIDO y PICONES
and REMEDIOS CONTRERAS
y CRUZ,**

Accused-Appellants.

SERENO, *C.J.*, Chairperson,
LEONARDO-DE CASTRO,
BERSAMIN,
PERLAS-BERNABE, and
CAGUIOA, *JJ.*

Promulgated:

JUL 18 2016

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R E S O L U T I O N

PERLAS-BERNABE, J.:

On July 7, 2014, the Court rendered its Resolution¹ (July 7, 2014 Resolution) in this case finding accused-appellants Alvin Cenido y Picones and Remedios Contreras y Cruz (Remedios; collectively, accused-appellants) guilty beyond reasonable doubt of Illegal Sale and Possession of Prohibited Drugs, the dispositive portion of which reads:

WHEREFORE, the Court **ADOPTS** the findings of fact and conclusions of law in the July 31, 2013 Decision of the [Court of Appeals] in CA-G.R. CR-H.C. No. 05333 and **AFFIRMS** said Decision finding accused-appellants Alvin Cenido y Picones and Remedios Contreras y Cruz **GUILTY** beyond reasonable doubt of Illegal Sale and Possession of Prohibited Drugs, respectively, sentencing: (a) Alvin Cenido y Picones to suffer the penalty of life imprisonment and to pay a fine of ₱500,000.00 for violation of Section 5, Article II of Republic Act No. 9165, otherwise known as the “Comprehensive Dangerous Drugs Act of 2002[”]; and (b) Remedios Contreras y Cruz to suffer the indeterminate penalty of twelve (12) years and one (1) day, as minimum, to thirteen (13) years, as

¹ Rollo, pp. 42-43. Signed by Division Clerk of Court Ma. Lourdes C. Perfecto.

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maximum, and to pay a fine of ₱300,000.00 for violation of Section 11, Article II of the same Act.

SO ORDERED.²

On August 12, 2014, accused-appellants jointly moved for reconsideration³ thereof, which the Court denied with finality in its Resolution⁴ dated December 1, 2014.

Meanwhile, on April 11, 2014, the Court received a Letter⁵ dated April 10, 2014 from the Correctional Institution for Women informing the Court of the death of one of the accused-appellants in this case, Remedios, on March 7, 2014.⁶ In a Resolution⁷ dated September 9, 2015, the Court required the Superintendent of the Correctional Institution for Women to furnish the Court with a certified true copy of Remedios's death certificate and, in compliance thereto, the same was submitted by Officer-In-Charge Elsa Aquino-Alabado on February 11, 2016.⁸ As Remedios's death transpired before the promulgation of the Court's July 7, 2014 Resolution in this case, *i.e.*, when her appeal before the Court was still pending resolution, her criminal liability is totally extinguished in view of the provisions of Article 89 of the Revised Penal Code which states:

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

x x x x

In *People v. Amistoso*,⁹ the Court explained that the death of the accused pending appeal of his conviction extinguishes his criminal liability as well as his civil liability *ex delicto*.¹⁰ Consequently, Remedios's death on March 7, 2014 renders the Court's July 7, 2014 Resolution irrelevant and ineffectual as to her, and is therefore set aside. Accordingly, the criminal case against Remedios is dismissed.

² Id. at 42.

³ Dated August 12, 2014. Id. at 44-47.

⁴ Id. at 51. Signed by Division Clerk of Court Edgar O. Archeta.

⁵ Id. at 19A. Said Letter was noted by the Court in its Resolution dated June 9, 2014; id. at 40A.

⁶ See Certificate of Death; id. at 57.

⁷ Id. at 54.

⁸ See Letter dated February 9, 2016 with the attached copy of the Certificate of Death of Remedios; id. at 56-57.

⁹ 716 Phil. 825 (2013).

¹⁰ Id. at 830.

WHEREFORE, insofar as accused-appellant Remedios Contreras y Cruz is concerned, the Resolutions dated July 7, 2014 and December 1, 2014 of the Court are hereby **SET ASIDE** and Criminal Case Nos. 10-037 and 10-038 before the Regional Trial Court of Binangonan, Rizal are **DISMISSED**, in view of her demise.

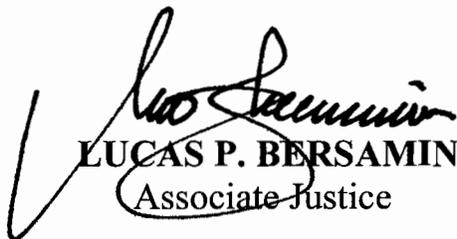
SO ORDERED.

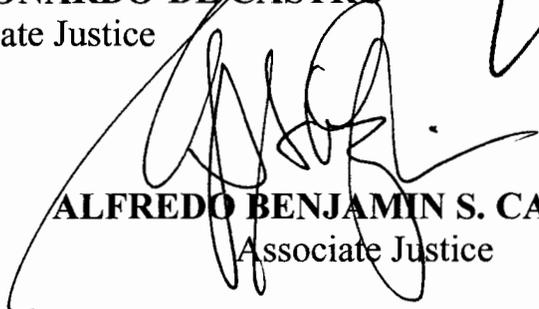

ESTELA M. PERLAS-BERNABE
Associate Justice

WE CONCUR:


MARIA LOURDES P. A. SERENO
Chief Justice
Chairperson


TERESITA J. LEONARDO-DE CASTRO
Associate Justice


LUCAS P. BERSAMIN
Associate Justice


ALFREDO BENJAMIN S. CAGUIOA
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