

**REPUBLIC OF THE PHILIPPINES  
SANDIGANBAYAN  
QUEZON CITY**

**SPECIAL THIRD DIVISION**

**PEOPLE OF THE  
PHILIPPINES,**

**THE  
Plaintiff,**

**Criminal Case No. SB-12-  
CRM-0074-00776**

For: Estafa thru Falsification  
of Official/Public Documents

- versus -

**ANTONIO P. BELICENA, et  
al.,**

**Accused.**


**Criminal Case No. SB-12-  
CRM-0077-00779**

For: Violation of Section 3(e) of  
R.A. No. 3019, as amended

*Present:*

**CABOTAJE-TANG, P.J.,**  
Chairperson,  
**FERNANDEZ, J.** and  
**TRESPESES,<sup>1</sup> J.**

*Promulgated:*

DECEMBER 21, 2016 

x-----x

**RESOLUTION**

**CABOTAJE-TANG, PJ:**

For resolution is the *Manifestation (Notice of Death of Accused Carmen A. Rodriguez) and Motion to Quash* dated July 18, 2016 filed by the heirs of accused Carmen A. Rodriguez.<sup>2</sup>

<sup>1</sup> Sitting as a Special Member per Administrative Order NO. 227-2016 dated July 26, 2016

<sup>2</sup> pp. 177-180, Record, Vol. II



**Resolution**

Criminal Case No. SB-12-CRM-0074 -0079  
People vs. Belicena, *et al.*

-2-

x-----x

In the said manifestation and motion, the heirs of accused Rodriguez manifest that accused Rodriguez died on March 19, 1999, or prior to the filing of these cases in Court in 2012. Thus, they move for the quashal of the Information against accused Rodriguez on the ground that the criminal liability of the accused had been extinguished.

As directed by the Court, the said heirs submitted a Compliance dated August 9, 2016, attaching thereto the Affidavit executed on August 9, 2016 by the daughter of accused Rodriguez who signed as informant to her certificate of death and the Certification dated August 1, 2016 issued by the Manila Doctors' Hospital to the effect that accused Carmen Amix Rodriguez passed away on March 19, [1999] as further evidence to establish the fact of death of accused Rodriguez.<sup>3</sup>

In its Comment/Opposition dated September 1, 2016, the prosecution contends that while it may be true that a person's criminal liability is extinguished upon his death, the same is not a valid ground for a motion to quash an Information. According to the prosecution, the allegation of the death of an accused is a matter which may not be considered in a motion to quash Information, it being an extrinsic matter or evidence *aliunde*. However, the prosecution interposes no objection to the dismissal of the case against accused Rodriguez on the ground that the fact of death of accused Rodriguez has been established.<sup>4</sup>

Article 89 of the Revised Penal Code provides:

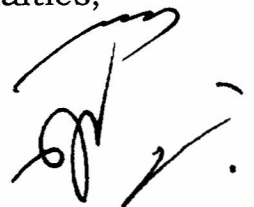
Art. 89. How criminal liability is totally extinguished. — Criminal liability is totally extinguished:

1. By the death of the convict, as to the personal penalties; and as to pecuniary penalties,

---

<sup>3</sup> pp. 206-214, Record, Vol. II

<sup>4</sup> pp. 240-245, Record, Vol. II



**Resolution**

Criminal Case No. SB-12-CRM-0074 -0079  
People vs. Belicena, *et al.*

x-----x

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

... ..

In this case, the prosecution admits that the fact of death of accused Rodriguez has been established by an authenticated copy of her death certificate issued by the National Statistics Office (NSO). The said death certificate states that accused Rodriguez died on March 19, 1999, or even prior to the filing of the Information in Court. Thus, the criminal liability of accused Rodriguez was totally extinguished by her death.


**WHEREFORE**, the Court orders the DISMISSAL of these cases against accused Carmen A. Rodriguez on account of her death.

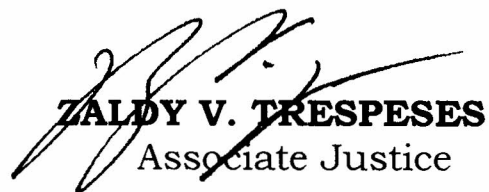
**SO ORDERED.**

Quezon City, Metro Manila

  
**AMPARO M. CABOTAJE-TANG**  
Presiding Justice  
Chairperson

**WE CONCUR:**

  
**SARAH JANE T. FERNANDEZ**  
Associate Justice

  
**ZALDY V. TRESPESSES**  
Associate Justice