



Republic of the Philippines
SANDIGANBAYAN
Commonwealth Avenue, Quezon City
FIFTH DIVISION

MINUTES of the proceedings held on June 29, 2023.

Present:

Hon. RAFAEL R. LAGOSChairperson, *A.J.*
Hon. MARIA THERESA V. MENDOZA-ARCEGA *Associate Justice*
Hon. MARYANN E. CORPUS-MAÑALAC *Associate Justice*

The following resolution is adopted in:

**Crim. Case No. SB-17- CRM-1161: People of the Philippines vs.
MANUEL NIEVES TABORA**

On June 14, 2023, the Court received NOTICE from the Division Clerk of the First Division, Supreme Court, to wit:

Please take notice that the Court, First Division, issued a Resolution dated March 29, 2022 which reads as follows:

“G.R. No. 248544 (**People of the Philippines vs. Manuel Nieves Tabora**). – In view of the accused appellant’s death on April 16, 2021, the appeal is hereby **DISMISSED**, pursuant to Article 89 (1) of the Revised Penal Code.”

Article 89 (1) of the Revised Penal Code relevantly provides:

Art. 89. *How criminal liability is totally extinguished.* – Criminal liability is totally extinguished:

1. By the death of the convict, as to personal penalties; and as to pecuniary penalties, liability therefor is extinguished only when the death of the offender occurs before final judgment. (Underscoring supplied.)

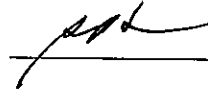
xxx

The death of the accused pending appeal has ineluctably led to the dismissal of his appeal before the Supreme Court. Likewise, based on Art. 89 (1), the penalty imposed by this Court in its May 17, 2019 Decision and the P250,000.00 civil liability is, thus, deemed extinguished. As held by the Supreme Court in *People vs. Culas*, G.R. No. 211166 (June 5, 2017), “[U]pon 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....**” (Emphasis and italic supplied.)

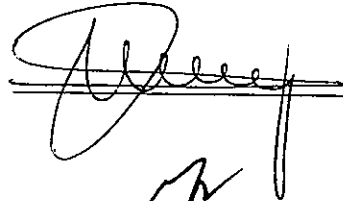
WHEREFORE, the Court's May 17, 2019 Decision in SB-17-CRM 1161 is hereby **VACATED** and is ordered **DISMISSED**.

SO ORDERED.

LAGOS, Chairperson, J.



MENDOZA-ARCEGA, J.



CORPUS-MAÑALAC, J.

