



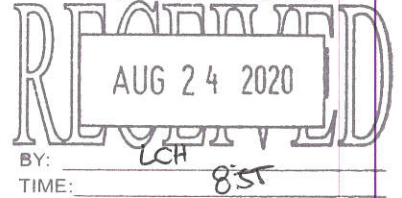
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Republic of the Philippines  
Supreme Court  
Manila

SPECIAL THIRD DIVISION

NOTICE

SUPREME COURT OF THE PHILIPPINES  
PUBLIC INFORMATION OFFICE



Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated **February 26, 2020**, which reads as follows:*

“**G.R. No. 211720 (PEOPLE OF THE PHILIPPINES, plaintiff-appellee, versus CEFERINO ROSALES y TORRES, A.K.A. “DANNY,” accused-appellant)**. – The Court **GRANTS** the motion of the Public Attorney’s Office for an extension of thirty (30) days from June 11, 2017, within which to comply with the Resolution dated March 13, 2017; and

In a Decision dated November 29, 2006, the Regional Trial Court of Las Piñas City, Branch 275 (RTC) in Criminal Case No. 03-0882, found accused-appellant Ceferino Rosales y Torres a.k.a. “Danny” (accused-appellant) guilty beyond reasonable doubt of the crime of murder, the dispositive portion of which reads:

WHEREFORE, finding the accused Ceferino Rosales y Torres GUILTY beyond reasonable doubt of the crime of murder as charged in the Information, judgment is hereby rendered sentencing the accused to undergo imprisonment of Reclusion Perpetua and to indemnify the offended party in the sum of P50,000.00 and to pay the cost.

SO ORDERED.<sup>1</sup>

Accused-appellant appealed his conviction before the Court of Appeals (CA). In a Decision<sup>2</sup> dated November 6, 2013, the CA affirmed the RTC’s Decision with modification as to the award of indemnity and damages, that accused-appellant was also ordered to pay the heirs of Edgardo Lomboy y Caguioa (victim) (a) civil indemnity in the amount of P75,000.00 and (b) moral damages in the amount of P50,000.00.<sup>3</sup>

<sup>1</sup> Rollo, p. 2.

<sup>2</sup> Id. at 2-13. Penned by Associate Justice Ramon M. Bato, Jr. with Presiding Justice Andres B. Reyes, Jr. (now a member of this Court) and Associate Justice Rodil V. Zalameda (now a member of this Court), concurring.

<sup>3</sup> Id. at 12.

Aggrieved, accused-appellant filed a Notice of Appeal<sup>4</sup> from the CA's Decision.

On July 6, 2015, the Court rendered its Resolution<sup>5</sup> affirming the CA's Decision with modifications, the dispositive portion of which reads:

**WHEREFORE**, we **DISMISS** the appeal and **AFFIRM** the Decision dated November 6, 2013 of the Court of Appeals in CA-G.R. CR-HC No. 05041 **WITH MODIFICATIONS** in that the amount of ₱25,000 is likewise awarded to the heirs of the victim as temperate damages in lieu of unproven actual damages and all these awards shall earn 6% interest per annum from finality of the Resolution until fully paid.

Costs against appellant. x x x

**SO ORDERED.**"<sup>6</sup>

The Public Attorney's Office (PAO), representing accused-appellant, filed on August 26, 2015 a Motion for Reconsideration<sup>7</sup> of the said Resolution, which the Court denied with finality in its Resolution<sup>8</sup> dated September 28, 2015.

Meanwhile, on January 21, 2016, the Court received a Letter<sup>9</sup> dated January 18, 2016 from the Bureau of Corrections, informing the Court of the death of the accused-appellant on August 19, 2015 and that a copy of his Death Certificate will be submitted soon.

In compliance<sup>10</sup> with the Court's directive, the PAO submitted accused-appellant's Death Certificate<sup>11</sup> on July 12, 2017 indicating that his death did occur on August 19, 2015.

Considering that the accused-appellant's death transpired before the Court's Resolution dated September 28, 2015, that is, before the judgment of conviction became final, his criminal liability and civil liability arising from his criminal liability are governed by Article 89, paragraph 1 of the Revised Penal Code:

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

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<sup>4</sup> Id. at 14-16.  
<sup>5</sup> Id. at 35-37a.  
<sup>6</sup> Id. at 37.  
<sup>7</sup> Id. at 38-48.  
<sup>8</sup> Id. at 49-50.  
<sup>9</sup> Id. at 51-52.  
<sup>10</sup> Id. at 67-71.  
<sup>11</sup> Id. at 72.



Court clarifies that the heirs of the victim may file a separate civil action against the estate of accused-appellant, as may be warranted by law and procedural rules.<sup>17</sup>

**WHEREFORE**, the Court **RESOLVES** to:

- (a) **SET ASIDE** its July 6, 2015 and September 28, 2015 Resolutions;
- (b) **DISMISS** Criminal Case No. 03-0882 before the Regional Trial Court of Las Piñas City, Branch 275, by reason of the death of accused-appellant Ceferino Rosales y Torres, a.k.a. "Danny"; and
- (c) **DECLARE** the instant case **CLOSED and TERMINATED**.

**SO ORDERED.**"

Very truly yours,

*Misael DC Batt*  
**MISAELO DOMINGO C. BATTUNG III**  
Division Clerk of Court *[Signature]*  
7/16/2020

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The Presiding Judge  
REGIONAL TRIAL COURT  
Branch 275, 1740 Las Piñas City  
(Crim. Case No. 03-0882)

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<sup>17</sup> *People v. Dimaala*, 813 Phil. 878, 881 (2017).