



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 206832

Present:

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

-versus-

ALFREDO MORALES Y LAM,
Accused-Appellant.

Promulgated:

JAN 21 2015

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RESOLUTION

PEREZ, J.:

Before the Court is an Appeal¹ filed by accused-appellant Alfredo Morales y Lam (Morales) assailing the Decision² of the Court of Appeals dated 14 August 2012 in CA-G.R. CR-H.C. No. 04287.

The Decision of the Court of Appeals is an affirmance of the Decision of the Regional Trial Court (RTC) of San Mateo, Rizal, Branch 76 in Criminal Case Nos. 7534-7535, finding the accused Morales guilty beyond reasonable doubt for violation of Sections 5 and 11, Article II of Republic Act No. 9165 entitled "*An Act Instituting the Comprehensive Dangerous Drugs Act of 2002.*"

¹ Rollo, p. 109.

² Id. at 2-17.

In the Criminal Case No. 7534, Morales was charged with illegal sale of *shabu* as follows:

That on or about the 14th day of April 2004, in the Municipality of Rodriguez, Province of Rizal, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, did then and there wilfully, unlawfully and knowingly sell, deliver and give away to another person one (1) heat sealed transparent plastic sachet containing 0.02 gram of white crystalline substance, which gave positive result to the test for *Methamphetamine Hydrochloride*, also known as *shabu*, a dangerous drug, in violation of the above-cited law.³

In the Criminal Case No. 7535, Morales was charged with illegal possession of *shabu* as follows:

That on or about the 14th day of April 2004, in the Municipality of Rodriguez, Province of Rizal, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, did then and there wilfully, unlawfully and knowingly have in his possession, direct custody and control three (3) heat-sealed transparent sachets each containing 0.02 gram of white crystalline substance, which gave positive results to the test for *Methamphetamine Hydrochloride*, also known as *shabu*, a dangerous drug, in violation of the above-cited law.⁴

When arraigned, the accused pleaded not guilty of the crimes charged.⁵

The RTC held that the prosecution successfully discharged the burden of proof in the cases of illegal sale and illegal possession of dangerous drugs. The trial court relied on the categorical statements of the prosecution witnesses as against the bare denials of the accused. The presumption of regularity of performance of duties was upheld in the absence of any improper motive on their part to testify falsely against the accused. The dispositive portion reads:

WHEREFORE, judgment is hereby rendered, to wit:

(1) In Criminal Case No. 7534, finding the accused Alfredo Morales y Lam GUILTY beyond reasonable doubt of the crime of Sale of Dangerous Drug (Violation of Section 5, 1st par., Article II, R.A. 9165) and sentencing

³ RTC Decision, CA *rollo*, p. 11.

⁴ Id. at 11-12.

⁵ Records, p. 22.

him to suffer the penalty of Life Imprisonment and a fine of Five Hundred Thousand Pesos (P500, 000.00).

(2) In Criminal Case No. 7535, finding the accused Alfredo Morales y Lam GUILTY beyond reasonable doubt of the crime of POSSESSION of DANGEROUS DRUG (Violation of Section 11, 2nd par., No. 3, Article II, R.A. 9165) and sentencing him to suffer the penalty of imprisonment of Twelve Years (12) years and one (1) day to Twenty (20) years and a fine of Three Hundred Thousand Pesos (P300,000.00).⁶

Upon appeal, the appellate court affirmed the findings of the trial court. It upheld the presence of all the elements of the offenses of illegal sale and illegal possession of drugs, and preservation of the *corpus delicti* of the crime from the time they were seized and presented in court. The procedural steps required by Section 21 of Republic Act No. 9165 were liberally construed in favor of the prosecution in view of the preservation of integrity and identity of the *corpus delicti*. Conformably, the finding on the presumption of regularity of performance of duties was affirmed in the absence of ill-motive on the part of the police officers.

On 29 August 2012, a Notice of Appeal⁷ was filed by Morales through counsel before the Supreme Court.

While this case is pending appeal, the Inmate Documents and Processing Division Officer-in-Charge Emerenciana M. Divina⁸ informed the Court that accused-appellant Morales died while committed at the Bureau of Corrections on 2 November 2013 as evidenced by a copy of Death Report⁹ signed by New Bilibid Prison Hospital's Medical Officer Ursicio D. Cenas.

The death of accused-appellant Morales pending appeal of his conviction, extinguishes his civil and criminal liabilities.

Under Article 89(1) of the Revised Penal Code:

Criminal liability is totally extinguished:

⁶ CA *rollo*, p. 16.

⁷ Id. at 108.

⁸ *Rollo*, p. 33.

⁹ Id. at 36.

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

Ordinarily, both the civil and criminal liabilities are extinguished upon the death of the accused pending appeal of his conviction by the lower courts.

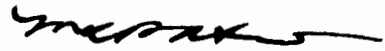
However, a violation of Republic Act No. 9165 does not entail any civil liability. No civil liability needs extinguishment.

WHEREFORE, in view of his death on 2 November 2013, the appeal of accused-appellant Alfredo Morales y Lam from the Decision of the Court of Appeals dated 14 August 2012 in CA-G.R. CR-H.C. No. 04287 affirming the Decision of the Regional Trial Court of San Mateo, Rizal, Branch 76 in Criminal Case Nos. 7534-7535 convicting him of violation of Sections 5 and 11, Article II of Republic Act No. 9165 is hereby declared **MOOT** and **ACADEMIC**.

SO ORDERED.


JOSE PORTUGAL PEREZ
Associate Justice

WE CONCUR:


MARIA LOURDES P. A. SERENO
Chief Justice
Chairperson

Teresita Leonardo de Castro
TERESITA J. LEONARDO-DE CASTRO
Associate Justice

Lucas P. Bersamin
LUCAS P. BERSAMIN
Associate Justice

Estela M. Perlas-Bernabe
ESTELA M. PERLAS-BERNABE
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
MARIA LOURDES P. A. SERENO
Chief Justice