

## SECOND DIVISION

[ G.R. No. 138962, October 04, 2002 ]

**PRESCILLA TUATES AND ANDRES DE LA PAZ, PETITIONERS, VS.  
HON. LUCAS P. BERSAMIN, AS PRESIDING JUDGE, BRANCH 96,  
RTC QUEZON CITY, PEOPLE OF THE PHILIPPINES AND I.C.  
CONSTRUCTION, INC., RESPONDENTS.**

### D E C I S I O N

#### AUSTRIA-MARTINEZ, J.:

Before us is a petition for review on *certiorari* under Rule 45 of the Rules of Court, seeking to annul the following: (1) Decision dated April 30, 1999 and Resolution dated June 9, 1999, rendered by the Court of Appeals in CA-G.R. SP No. 46845;<sup>[1]</sup> (2) Decision dated September 10, 1997 and the Order dated January 28, 1998 issued by the Regional Trial Court of Quezon City (Branch 96) in Criminal Cases Nos. Q-97-70428 and Q-97-70429;<sup>[2]</sup> and (3) Decision dated December 16, 1996 of the Metropolitan Trial Court of Quezon City (Branch 38) in Criminal Cases Nos. 38-0130 and 38-0131.<sup>[3]</sup>

The facts are as follows:

Convicted by the MTC-Quezon City (Branch 38) of the crime of Violation of Presidential Decree No. 772 or the Anti-Squatting Law, petitioners Prescilla Tuates and Andres de la Paz, appealed to the RTC of Quezon City (Branch 96). Their conviction was affirmed *in toto* by the RTC in its decision dated September 10, 1997. Pending resolution of their motion for reconsideration, however, Republic Act No. 8368, "An Act Repealing Presidential Decree No. 772, entitled 'Penalizing Squatting and Other Similar Acts'" was enacted.

In its Order, dated January 28, 1998, the RTC ruled that only petitioners' criminal convictions were extinguished by R.A. 8368, and the civil aspect, *i.e.*, the removal of petitioners' illegally constructed house and improvements, shall remain executory against them.<sup>[4]</sup>

On a petition for review, the Court of Appeals sustained the ruling of the RTC and denied due course to the petition per its Decision, dated April 30, 1999.<sup>[5]</sup> Petitioners' motion for reconsideration was likewise denied by the CA in its Resolution dated June 9, 1999.<sup>[6]</sup>

Hence, the present recourse taken by petitioners, raising the following issues:

- "1. That petitioners, being charged with Violation of Presidential Decree No. 772, the express repeal of said decree absolves the petitioners of any criminal or civil liability;

"2. That public respondent erred in holding that 'the civil aspect of the judgment rendered x x x shall be executory against the accused; and

"3. That the Honorable Court of Appeals, in affirming the Order of the Regional Trial Court of Quezon City (Branch 96), dated June 9, 1999, grossly erred in ignoring applicable laws and jurisprudence."<sup>[7]</sup>

Petitioners argue that the repeal of P.D. 772 by R.A. 8368 carries with it the extinction of both the criminal and civil aspects of the crime. Private respondent, however, insists that public respondents were correct in ruling that only the criminal liability was absolved and the civil liability remains inasmuch as it was not extinguished in accordance with Article 113 of the Revised Penal Code, which reads:

"ART. 113. *Obligation to satisfy civil liability.* -- Except in case of extinction of his civil liability as provided in the next preceding article, the offender shall continue to be obliged to satisfy the civil liability resulting from the crime committed by him, notwithstanding the fact that he has served his sentence consisting of deprivation of liberty or other rights, or has not been required to serve the same by reason of amnesty, pardon, commutation of sentence or any other reason."

In its Motion to Deny Due Course, private respondent also argues that the petition should now be denied as its title to the land subject of this case has already been adjudged in its favor. <sup>[8]</sup>

In its Comment, the Office of the Solicitor General, in behalf of public respondents, agrees with petitioners that both the criminal and civil liability were rendered extinct with the repeal of P.D. 772, and recommended that the assailed issuances be reversed and set aside.

We find the petition to be meritorious.

*Republic Act No. 8368*, otherwise known as the "Anti-Squatting Law Repeal Act of 1997," provides:

"SECTION 1. *Title.* -- This Act shall be known as the 'Anti-Squatting Law Repeal Act of 1997.'

"SEC. 2. *Repeal.* -- Presidential Decree No. 772, entitled 'Penalizing Squatting and Other Similar Acts' is hereby repealed.

"SEC. 3. *Effect on Pending Cases.* -- All pending cases under the provisions of Presidential Decree No. 772 shall be dismissed upon the effectivity of this Act.

"SEC. 4. *Effect on Republic Act No. 7279.* -- Nothing herein shall be construed to nullify, eliminate or diminish in any way Section 27 of Republic Act No. 7279 or any of its provisions relative to sanctions against professional squatters and squatting syndicates.

"SEC. 5. *Effectivity.* -- This Act shall take effect thirty (30) days after its publication in two (2) newspapers of national circulation.

"Approved, October 27, 1997."<sup>[9]</sup>