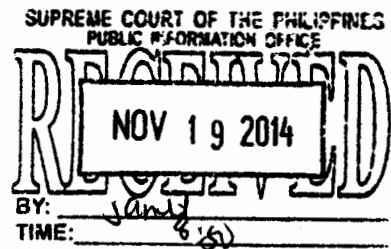




REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE



Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated **12 November 2014** which reads as follows:

G.R. No. 199272 – *People of the Philippines, plaintiff-appellee, v. Judy Conde y Gallego and Darius Conde y Gallego, accused-appellants.*

After a careful review of the records of the case, the Court finds the appeal of Judy Conde y Gallego and Darius Conde y Gallego to be lacking in merit. Both the Regional Trial Court of Silay City, Branch 69 and the Court of Appeals correctly found appellants guilty beyond reasonable doubt of the crime of murder and properly sentenced them to suffer the penalty of *reclusion perpetua*. Moreover, appellants are not eligible for parole pursuant to Section 3 of Republic Act No. 9346 or the Act Prohibiting the Imposition of Death Penalty in the Philippines. The award of moral damages in the amount of ₱50,000.00 is proper. However, the award of civil indemnity must be increased to ₱75,000.00 in line with prevailing jurisprudence. The heirs of Raul Taño are also entitled to exemplary damages in the amount of ₱30,000.00. Anent the award of actual damages in the amount of ₱20,704.15, the same must be modified. As we held in *People v. Villanueva*,¹ “when actual damages proven by receipts during the trial amount to less than ₱25,000.00, as in this case, the award of temperate damages of ₱25,000.00 is justified in lieu of actual damages of a lesser amount.” Accordingly, we grant temperate damages in the amount of ₱25,000.00 in lieu of actual damages. In addition, all damages awarded shall earn interest at the rate of 6% *per annum* from date of finality of judgment until fully paid.

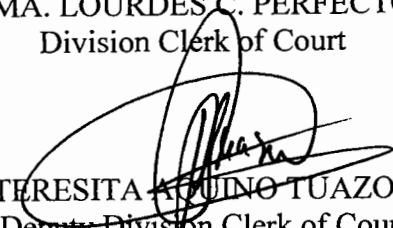
WHEREFORE, the assailed March 12, 2010 Decision of the Court of Appeals in CA-GR.-CR-HC. No. 00528 finding appellants Judy Conde y Gallego and Darius Conde y Gallego guilty beyond reasonable doubt of the crime of murder and sentencing them to suffer the penalty of *reclusion perpetua* is **AFFIRMED** with **MODIFICATIONS** that they are not eligible for parole; that they are ordered to pay the heirs of Raul Taño the amounts of ₱75,000.00 as civil indemnity, ₱50,000.00 as moral damages, ₱30,000.00 as exemplary damages, and ₱25,000.00 as temperate damages, all with interest at the rate of 6% *per annum* from date of finality of this judgment until fully paid.

SO ORDERED.

Very truly yours,

MA. LOURDES C. PERFECTO
Division Clerk of Court

By:


TERESITA AQUINO TUAZON
Deputy Division Clerk of Court

¹456 Phil. 14, 29 (2003).

OFFICE OF THE SOLICITOR GENERAL (reg)

134 Amorsolo Street
1229 Legaspi Village
Makati City

PUBLIC ATTORNEY'S OFFICE (reg)

(ATTY. MA. AIMEE E. BALDO)

Counsel for Accused-Appellant

Department of Justice

PAO-DOJ Agencies Building

NIA Road corner East Avenue

Diliman, 1104 Quezon City

THE DIRECTOR (reg)

Bureau of Corrections

1770 Muntinlupa City

JUDY CONDE y GALLEGO (reg)

DARIUS CONDE y GALLEGO (reg)

Accused-Appellants

c/o The Director

Bureau of Corrections

1770 Muntinlupa City

COURT OF APPEALS (reg)

Visayas Station

Cebu City

CA-G.R. CR H.C. No. 00528

HON. PRESIDING JUDGE (reg)

Regional Trial Court, Branch 69

Silay City, Negros Occidental

(Crim. Case No. 3803-69)

OFFICE OF THE CHIEF ATTORNEY (x)

OFFICE OF THE REPORTER (x)

Supreme Court, Manila

PUBLIC INFORMATION OFFICE (x)

LIBRARY SERVICES (x)

Supreme Court, Manila

[for uploading pursuant to A.M. No. 12-7-1-SC]

Please notify the Court of any change in your address.

GR199272. 11/12/14 (186)SR

11/17