



Republic of the Philippines  
Supreme Court  
Manila

SPECIAL FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated November 11, 2020 which reads as follows:*

**“G.R. No. 201928 (*People of the Philippines v. Jimmy Tabon Tabon, Ricky Del Monte,<sup>1</sup> and Joven Ragasa*)**

RESOLUTION

This motion for reconsideration seeks to reverse and set aside the June 6, 2019 Resolution<sup>2</sup> of the Court, which affirmed with modification the February 6, 2012 Decision<sup>3</sup> of the Court of Appeals (CA) in CA-G.R. CR No. 04173. The Court found Jimmy Tabon Tabon, Ricky Del Monte,<sup>4</sup> and Joven Ragasa (collectively, *appellants*), guilty beyond reasonable doubt of the crime of Murder, punishable under Article 248<sup>5</sup> of the Revised Penal Code, and

<sup>1</sup> Deceased per Death Report dated November 27, 2018 of the Bureau of Corrections, New Bilibid Prison Hospital, Maximum Security Compound, Muntinlupa City; *rollo*, p. 73.

<sup>2</sup> *Id.* at 77-78.

<sup>3</sup> *Id.* at 2-10; penned by Associate Justice Manuel M. Barrios with Associate Justices Juan Q. Enriquez, Jr. and Apolinario D. Bruselas, Jr., concurring.

<sup>4</sup> “Ricky del Monte” in some parts of the *rollo*.

<sup>5</sup> Article 248. *Murder*. – Any person who, not falling within the provisions of Article 246, shall kill another, shall be guilty of murder and shall be punished by *reclusion perpetua*, to death if committed with any of the following attendant circumstances:

1. With treachery, taking advantage of superior strength, with the aid of armed men, or employing means to weaken the defense or of means or persons to insure or afford impunity;
2. In consideration of a price, reward, or promise;
3. By means of inundation, fire, poison, explosion, shipwreck, stranding of a vessel, derailment or assault upon a railroad, fall of an airship, by means of motor vehicles, or with the use of any other means involving great waste and ruin;
4. On the occasion of any of the calamities enumerated in the preceding paragraph, or of an earthquake, eruption of a volcano, destructive cyclone, epidemic, or any other public calamity;
5. With evident premeditation;

sentenced appellants to suffer the penalty of *reclusion perpetua*. The Court also ordered appellants to pay the amounts of ₱75,000.00 as civil indemnity, ₱32,844.56 as actual damages, ₱50,000.00 as moral damages, and ₱30,000.00 as exemplary damages, with legal interest.

Finding no reversible error in the assailed Resolution, the Court adopts the findings of fact and conclusions of law in the aforesaid ruling. The Court, however, upon scrutiny, hereby modifies the award of damages.

In lieu of actual damages, the Court finds it proper to instead award temperate damages. The settled rule is that when actual damages proven by receipts during the trial amount to less than the sum allowed by the Court as temperate damages, the award of temperate damages is justified in lieu of actual damages.<sup>6</sup> In the case at bench, the victim's heirs were able to prove actual damages in the amount of ₱32,844.56. Since prevailing jurisprudence now fixes the amount of ₱50,000.00 as temperate damages in murder cases, the Court finds it proper to award temperate damages to the victim's heirs in lieu of actual damages.<sup>7</sup>

Consistent with our ruling in *People v. Jugueta*,<sup>8</sup> appellants should pay the heirs of Teodorico Caratao ₱75,000.00 as civil indemnity; ₱75,000.00 as moral damages; and ₱75,000.00 as exemplary damages. An interest at the rate of six percent (6%) *per annum* shall be imposed on all damages awarded from the date of the finality of this Judgment until fully paid.<sup>9</sup>

**WHEREFORE,** the Court **AFFIRMS with MODIFICATION** the June 6, 2019 Resolution of the Court, which affirmed with modification the February 6, 2012 Decision of the Court of Appeals in CA-G.R. CR No. 04173. The Court finds Jimmy Tabon Tabon, Ricky Del Monte, and Joven Ragasa **GUILTY** beyond reasonable doubt of the crime of Murder, punishable under Article 248 of the Revised Penal Code and **SENTENCES** them to suffer the

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6. With cruelty, by deliberately and inhumanly augmenting the suffering of the victim, or outraging or scoffing at his person or corpse.

<sup>6</sup> *People of the Philippines v. Racal*, 817 Phil. 665, 685 (2017).

<sup>7</sup> *Id.*

<sup>8</sup> 783 Phil. 806 (2016), citing *People of the Philippines v. Ampo*, G.R. No. 229938, February 27, 2019.

<sup>9</sup> *People of the Philippines v. Ampo*, *supra*.

penalty of *reclusion perpetua*. Appellants are also **ORDERED** to jointly and severally **PAY** the heirs of Teodorico Caratao the following amounts:

- (1) Civil indemnity damages in the amount of Seventy-Five Thousand Pesos (₱75,000.00);
- (2) Moral damages in the amount of Seventy-Five Thousand Pesos (₱75,000.00);
- (3) Exemplary damages in the amount of Seventy-Five Thousand Pesos (₱75,000.00); and
- (4) Temperate damages in the amount of Fifty Thousand Pesos (₱50,000.00).

Appellants shall also pay interest at the rate of 6% *per annum* on all the amounts herein granted reckoned from the finality of this Resolution until full settlement, plus the costs of suit.

The First Indorsement dated June 17, 2019 of Deputy Chief Public Attorney Silvestre A. Mosing, Public Attorney's Office, addressed to the Judicial Records Office, this Court, forwarding for appropriate action the attached letter of Mr. Danilo T. Arzadon on behalf of accused-appellant Jimmy T. Tabon, requesting for certified true copy with dry seal of the Entry of Judgment, is **NOTED**.

**SO ORDERED.**” *Zalameda, J.*, on official leave.

**By authority of the Court:**

  
LIBRADA C. BUENA  
Division Clerk of Court

by:

**MARIA TERESA B. SIBULO**  
Deputy Division Clerk of Court



The Solicitor General  
1226 Makati City

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Judgment Division (x)  
Supreme Court

Mr. Jimmy Tabon Tabon  
Accused-Appellant  
c/o The Director General  
Bureau of Corrections  
1770 Muntinlupa City

Mr. Ricky Del Monte  
Accused-Appellant  
(Deceased)

Mr. Joven Ragasa  
Accused-Appellant  
(At-large)

Court of Appeals (x)  
Manila  
(CA-G.R. CR No. 04173)

PUBLIC ATTORNEY'S OFFICE  
Special and Appealed Cases Service  
Counsel for Accused-Appellants  
DOJ Agencies Building  
Diliman, 1101 Quezon City

The Presiding Judge  
Regional Trial Court, Branch 73  
Antipolo City, 1870 Rizal  
(Crim. Case No. 98-15585)

The Director General  
Bureau of Corrections  
1770 Muntinlupa City

