REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

N O T I C E

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated **03 February 2021** *which reads as follows*:

"**G.R. No. 248177** *(People of the Philippines v. PO1 Don Mark Domingo y Balahadia).* – The Court **NOTES** the letter dated December 14, 2020 of C/Insp. Kanoy B. Lattot, Chief, Documents Section, National Headquarters, Bureau of Corrections, Muntinlupa City, in compliance with the Resolution dated July 6, 2020, confirming the confinement of PO1 Don Mark Domingo *y* Balahadia *(accused-appellant)* at the New Bilibid Prison, Muntinlupa City since August 21, 2014.

Considering the allegations, issues and arguments presented in accused-appellant's supplementary appeal brief and the appellee's brief, which it adopted instead of filing a supplementary appeal brief, the Court resolves to **DISMISS** the appeal for failure to sufficiently show that the Court of Appeals committed any reversible error in promulgating the September 21, 2018 Decision[1] finding accused-appellant guilty of the crime of Murder.

Nonetheless, the Court finds it proper to award temperate damages in the amount of Fifty Thousand Pesos (₱50,000.00) to conform with prevailing jurisprudence, fixing such amount in homicide or murder cases in the absence of evidence of burial and funeral expenses.[2] It cannot be denied that the heirs of the victim suffered pecuniary loss although the exact amount was not proven.[3]

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[1] *Rollo*, pp. 3-13; penned by Associate Justice Rodil V. Zalameda (now a Member of this Court) with Associate Justices Fernanda Lampas Peralta and Marie Christine Azcarraga-Jacob, concurring.
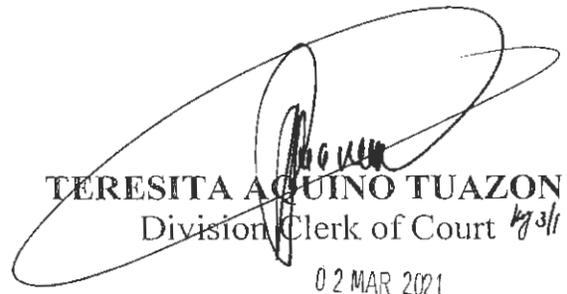[2] *People v. Jugueta*, 783 Phil. 806 (2016).
[3] Id. at 846-847.

ACCORDINGLY, We **DISMISS** the appeal and **AFFIRM with MODIFICATION** the Decision rendered by the Court of Appeals on September 21, 2018 in CA-G.R. CR-HC No. 08408 by awarding temperate damages in the amount of Fifty Thousand Pesos (₱50,000.00) to the heirs of the victim Geraldo Clarito *y* Felizardo, to wit:

1) The award of civil indemnity in the amount of ₱75,000.00;

2) The heirs of the victim Geraldo Clarito *y* Felizardo are likewise entitled to an award of moral damages amounting to ₱75,000.00; exemplary damages amounting to ₱75,000.00; and temperate damages in the amount of ₱50,000.00; and

3) All damages awarded shall earn interest at the rate of six percent (6%) *per annum* from date of finality of this Resolution until fully paid.

The Court of Appeals Decision is **AFFIRMED** in all other respects.

SO ORDERED."

By authority of the Court:

TERESITA AQUINO TUAZON
Division Clerk of Court

0 2 MAR 2021

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    1770 Muntinlupa City

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Bureau of Corrections
1770 Muntinlupa City

**CINSP. KANOY B. LATTOT (reg)
Chief, Documents Section
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1770 Muntinlupa City

HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 23
 Trece Martires City, 4109 Cavite
(Crim. Case No. TMCR-040-10)

JUDGMENT DIVISION (x)
Supreme Court, Manila

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*with copy of the CA Decision dated 21 September 2018.
**For this resolution only
Please notify the Court of any change in your address.
GR248177. 02/03/2021(53)URES