

P 110



Republic of the Philippines
Supreme Court
Manila
FIRST DIVISION

SUPREME COURT OF THE PHILIPPINES
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BY: LCH
TIME: 2:51

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **December 1, 2014** which reads as follows:*

“G.R. No. 212209 (People of the Philippines v. Sherwin Unzo y Pambid and Elmer Tapuro y Pagud). - After a judicious perusal of the records, the Court resolves to **DISMISS** the appeal for failure to sufficiently show that the Court of Appeals (CA) committed any reversible error in its assailed Decision as to warrant the exercise of the Court’s appellate jurisdiction. However, to conform with prevailing jurisprudence,¹ the Court deems it proper to modify the awards of damages as follows: (a) ₱75,000.00 as civil indemnity; and (b) ₱75,000.00 as moral damages.

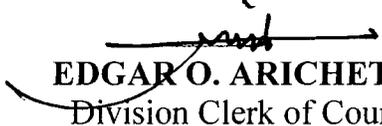
With respect to the manifestation regarding the death of accused-appellant Elmer Tapuro y Pagud, the Court hereby refers the same to the CA, where his motion for reconsideration is still pending resolution.

WHEREFORE, the Court **ADOPTS** the findings of fact and conclusions of law in the October 10, 2013 Decision² of the CA in CA-G.R. CR-HC No. 04667 and **AFFIRMS** said Decision finding accused-appellant Sherwin Unzo y Pambid **GUILTY** beyond reasonable doubt of the crime of Murder, in violation of Article 248 of the Revised Penal Code, with **MODIFICATION** as to the awards of damages and eligibility for parole, sentencing him to suffer the penalty of *reclusion perpetua*, without eligibility for parole, and to pay the heirs of the victim the following amounts: (a) ₱75,000.00 as civil indemnity; (b) ₱75,000.00 as moral damages; (c) ₱30,000.00 as exemplary damages; and (d) ₱25,000.00 as temperate damages, plus legal interest of six percent (6%) *per annum* on all amounts imposed from the finality of this judgment until full payment.

¹ *People v. Arbalate*, 616 Phil. 221, 238 (2009); citation omitted.
² *Rollo*, pp. 2-17. Penned by Associate Justice Pedro B. Corales with Associate Justices Sesinando E. Villon and Florito S. Macalino, concurring.

SO ORDERED. BERSAMIN, J., on leave; **REYES, J.**, designated acting member per S.O. No. 1892 dated November 28, 2014.

Very truly yours,


EDGAR O. ARICHETA
Division Clerk of Court ^{m 12/1/14}
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The Solicitor General (x)
Makati City

Court of Appeals (x)
Manila
(CA-G.R. CR H.C. No. 04667)

The Director
Bureau of Corrections
1770 Muntinlupa City

The Hon. Presiding Judge
Regional Trial Court, Br. 24
Cabugao, Ilocos Sur 2732
(Crim. Case No. 2356-K)

*Ms. Ma. Isabel M. Pattugalan-
Madarang (x)
Executive Clerk of Court III
Seventeenth Division
Court of Appeals
Manila

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