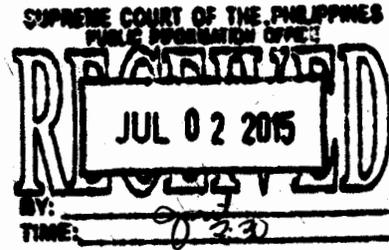




REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE



Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated **17 June 2015** which reads as follows:

G.R. No. 198665 - *People of the Philippines, plaintiff-appellee, v. Alvin Velasquez y Polancos @ "Alvin," Rodolfo Laurio y Lopez @ "Jun," Ronnie Candidato y Badillas, Alex Esquilona y Drio @ "Lex," Michael Valdemoro y Valenzuela @ "Mike," Alvin Monroy y Laurio @ "Alvin," Jeronie Palaña y Rosales, Ronnie Ramos y Nodalo @ "Boy," Mary Jane Cabal y Raga @ "Babes," Antonio Monroy y Laurio @ "Tonio," Nally Efren, Carolina Balbedina @ "Carol," and Three (3) John Does, accused; Alvin Monroy y Laurio, accused-appellant*

After a careful review of the records of the case, the Court finds the appeal to be lacking in merit. The Regional Trial Court of Las Piñas City, Branch 255 and the Court of Appeals correctly found appellant Alvin Monroy y Laurio guilty beyond reasonable doubt as principal in the crime of kidnapping for ransom. The prosecution satisfactorily established the following elements: (1) the offender is a private individual; (2) he kidnapped or detained another or in any other manner deprived the victims of liberty; (3) the act of kidnapping or detention is illegal; and (4) in the commission of the offense any of the following circumstances is present: (a) the kidnapping or detention lasted for more than three days; (b) it was committed by simulating public authority; (c) serious physical injuries were inflicted on the victims or threats to kill were made; or (d) any of the persons kidnapped or detained is a minor, female or a public officer.¹ When the kidnapping was done for the purpose of extorting ransom, the fourth element is no longer necessary.² The trial court, as affirmed by the Court of Appeals, found the testimonies of the prosecution witnesses to be consistent with one another and sufficient to convict appellant.

Appellant was correctly sentenced to suffer the penalty of *reclusion perpetua*, in lieu of the penalty of death pursuant to Republic Act No. 9346,³ and shall not be eligible for parole. The award of actual damages in the amount of PhP202,000.00 must be deleted for lack of receipts to substantiate the cost of the stolen items. The award of exemplary damages in the amount of PhP100,000.00 for each victim is correct.⁴ The award of moral damages in the amount of PhP250,000.00 must be modified and reduced to PhP100,000.00 for each victim pursuant to recent jurisprudence.⁵

¹ *People v. Silongan*, 449 Phil. 478, 495 (2003).

² *Id.*

³ AN ACT PROHIBITING THE IMPOSITION OF THE DEATH PENALTY IN THE PHILIPPINES.

⁴ *People v. Gamba*, G.R. No. 172707, October 1, 2013, 706 SCRA 508, 533-535.

⁵ *Id.*

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WHEREFORE, we **ADOPT** the findings of the trial court as affirmed by the Court of Appeals. The assailed March 7, 2011 Decision of the Court of Appeals in CA-G.R. CR HC No. 03410 finding appellant Alvin Monroy y Laurio **GUILTY** beyond reasonable doubt of the crime of kidnapping for ransom under Article 267 of the Revised Penal Code, as amended by Section 8 of Republic Act No. 7659, and sentencing him to suffer the penalty of *reclusion perpetua* without eligibility of parole is **AFFIRMED with modification** that the award of actual damages is **DELETED** and the award of moral damages is reduced to PhP100,000.00 for each private complainant. Furthermore, an interest of 6% *per annum* is imposed on all damages awarded from the date of finality of this Resolution until fully paid pursuant to existing jurisprudence and Circular No. 799, series of 2013 of the *Banko Sentral ng Pilipinas*. (*J. Leonen, on leave under the Court's Wellness Program from June 16-30, 2015; J. Reyes, designated Acting Member per Special Order No. 2056-A dated June 10, 2015*).

SO ORDERED. "

Very truly yours,


MA. LOURDES C. PERFECTO
Division Clerk of Court *1/1 4/23*

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Accused-Appellant
c/o The Director
Bureau of Corrections
1770 Muntinlupa City

HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 255
1740 Las Piñas City
(Crim. Case No. 05-0052)

COURT OF APPEALS (x)
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CA-G.R. CR H.C. No. 03410

JUDGMENT DIVISION (x)
Supreme Court, Manila

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