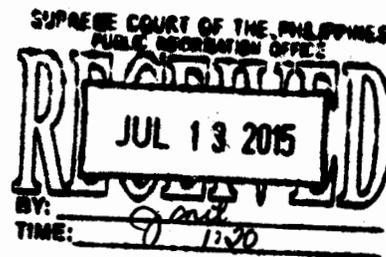




REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE



Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated 01 July 2015 which reads as follows:

“G.R. No. 213381 - People of the Philippines v. Andy Decano y Lozada.

The records of this case were elevated to this Court on August 4, 2014, pursuant to the Court of Appeals Resolution, dated February 28, 2014, which gave due course to the notice of appeal filed by accused-appellant Andy Decano.

In compliance with the Court’s Resolution, dated January 12, 2015, both parties filed their respective manifestations in lieu of supplemental brief. The accused-appellant manifested that he would adopt his Appellant’s Brief as his supplemental brief for the same had adequately discussed the matters pertinent to his defense. On the other hand, the Office of the Solicitor General informed the Court that it would no longer file a supplemental brief as its Appellee’s Brief had adequately addressed its issues and arguments.

After a perusal of the records of the case, the Court resolves to **DISMISS** the appeal for failure of the accused-appellant to sufficiently show reversible error in the challenged decision to warrant the exercise of the Court’s appellate jurisdiction.

The Court, however, finds that the damages awarded by the Court of Appeals should be modified. Recent jurisprudence established the amount of damages to be awarded. In *People v. Gambao*,¹ the Court set the minimum indemnity and damages in cases where death is the penalty as warranted by the facts but is not imposable under present law, as follows:

1. ₱100,000.00 as civil indemnity;
2. ₱100,000.00 as moral damages which the victim is assumed to have suffered and thus needs no proof; and
3. ₱100,000.00 as exemplary damages to set an example for the public good.

¹ G.R. No. 172707, October 1, 2013, 706 SCRA 508, 533.

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The Court of Appeals, nonetheless, appropriately held that interest at the rate of 6% per annum shall be imposed on all damages awarded from the date of finality of this judgment until fully paid pursuant to prevailing jurisprudence.²

WHEREFORE, the present appeal is **DENIED**. The January 29, 2014 Decision of the Court of Appeals in CA-G.R. CR-HC No. 05879, imposing a penalty of *reclusion perpetua* without the benefit of parole against accused-appellant Andy Decano, is hereby **AFFIRMED with MODIFICATION** as to the amounts of indemnity and damages to be imposed increasing them as follows: ₱100,000.00 as civil indemnity; ₱100,000.00 as moral damages; and ₱100,000.00 as exemplary damages. All amounts are subject to interest at the rate of 6% per annum from the date of finality of this judgment until fully paid. (*Brion, J., on leave, Bersamin, J., designated Acting Member, per Special Order No. 2079, dated June 29, 2015*).

SO ORDERED."

Very truly yours,

MA. LOURDES Q. PERFECTO
 MA. LOURDES Q. PERFECTO
 Division Clerk of Court *July 19*

² *People v. Manigo*, G.R. No. 194612, January 27, 2014.

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PUBLIC ATTORNEY'S OFFICE (reg)
(ATTY. AGUSTIN TOMAS C. TRIA TIRONA)
Special and Appealed Cases Service
Department of Justice
PAO-DOJ Agencies Building
NIA Road corner East Avenue
Diliman, 1104 Quezon City

OFFICE OF THE SOLICITOR GENERAL(reg)
134 Amorsolo Street
1229 Legaspi Village
Makati City

THE DIRECTOR (reg)
Bureau of Corrections
1770 Muntinlupa City

HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 55
Irosin, 4707 Sorsogon

ANDY DECANO y LOZADA (reg)
Accused-Appellant
c/o The Director
Bureau of Corrections
1770 Muntinlupa City

COURT OF APPEALS (x)
Ma. Orosa Street
Ermita, 1000 Manila
CA-G.R. CR HC No. 05879

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Supreme Court, Manila

Please notify the Court of any change in your address.
GR213381. 07/01/15(301[b])URES ^{07/01/15}