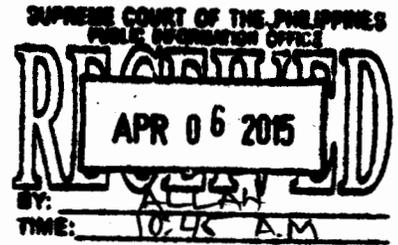




REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE



Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated **11 March 2015** which reads as follows:

"G.R. No. 215783 - *Primo Temple vs. People of the Philippines*

This Court will not overturn the trial court's assessment of the witnesses' credibility when there is no showing that the trial court overlooked material facts or gravely abused its discretion. This is especially true where, as in this case, the trial court's assessment is affirmed by the appellate court.¹ There is no reversible error to disturb the factual findings of the Regional Trial Court and the Court of Appeals. These courts also imposed the appropriate penalties for frustrated murder. While the Information mentions that the crime was attended by evident premeditation, this circumstance cannot be considered in increasing the maximum of the indeterminate penalty for lack of evidence. However, aside from the actual damages awarded, the heirs of Melchor O. Ballara must be indemnified with exemplary damages in the sum of ₱20,000.00; in addition, the award of moral damages must be decreased to ₱40,000.00, in accordance with prevailing jurisprudence.² Moreover, interest at the rate of 6% *per annum* is imposed on all damages awarded from the date of finality of this Resolution until fully paid.

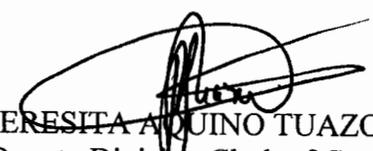
ACCORDINGLY, the Petition is **DENIED**. The December 16, 2013 Decision and the November 13, 2014 Resolution of the Court of Appeals in CA-G.R. CR No. 00765-MIN finding petitioner Primo Temple guilty of frustrated murder are **AFFIRMED** with **MODIFICATIONS** in that award of moral damages is reduced to ₱40,000.00; petitioner is further ordered to pay the amount of ₱20,000.00 as exemplary damages; and all damages awarded shall earn interest at the rate of six percent (6%) *per annum* from the date of finality of this Resolution until fully paid.

SO ORDERED."

Very truly yours,

MA. LOURDES C. PERFECTO
Division Clerk of Court

By:


TERESITA AQUINO TUAZON
Deputy Division Clerk of Court *mg 3/13*

¹*People v. Baldomar*, G.R. No. 197043, February 29, 2012, 667 SCRA 415, 417.

²*Id.* at 419 citing *People v. Mokammad*, 613 Phil. 116, 131 - 132.

- PAGE 2 -

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Please notify the Court of any change in your address.
GR215783. 03/11/15 (21)SR **M7**