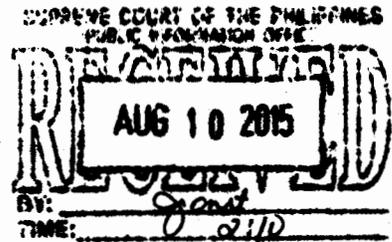




Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE



Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated July 20, 2015 which reads as follows:*

**“G.R. No. 217709 (Limuel A. Ladaga v. People of the Philippines).** – The petitioner’s motion for an extension of thirty (30) days within which to file a petition for review on certiorari is **GRANTED**, counted from the expiration of the reglementary period; and the Cash Collection and Disbursement Division is hereby required to **RETURN** to the petitioner the excess amount of ₱470.00 paid for filing fees under O.R. No. 0112938-SC-EP dated May 4, 2015.

After a judicious perusal of the records, the Court resolves to **DENY** the instant petition and **AFFIRM** the July 30, 2014 Decision<sup>1</sup> and March 13, 2015 Resolution<sup>2</sup> of the Court of Appeals (CA) in CA-G.R. CR No. 00896-MIN for failure of petitioner Limuel A. Ladaga (petitioner) to show that the CA committed any reversible error in affirming his conviction for the crime of Homicide, punishable under Article 249 of the Revised Penal Code. However, in order to conform with recent jurisprudence,<sup>3</sup> the Court deems it proper to award exemplary damages in the amount of ₱30,000.00. In addition, all monetary awards shall earn an interest at the rate of six percent (6%) per annum from the date of finality of this Resolution until fully paid.<sup>4</sup>

- over - two (2) pages .....

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<sup>1</sup> *Rollo*, pp. 28-43. Penned by Associate Justice Edward B. Contreras with Associate Justices Edgardo T. Lloren and Rafael Antonio M. Santos concurring.

<sup>2</sup> *Id.* at 45-46.

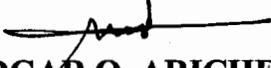
<sup>3</sup> In *People v. Dela Cruz*, the Court noted that while the circumstances to qualify the crime to Murder were not alleged in the Information, its presence in the commission of the crime was proven consequently, warranting the award of exemplary damages pursuant to Article 2230 of the Civil Code. (See 390 Phil. 961, 987 [2000]).

<sup>4</sup> *Nacar v. Gallery Frames*, G.R. No. 189871, August 13, 2013, 703 SCRA 439, 457-458.

As correctly held by the CA, all the elements for the prosecution of the crime of Homicide were duly established in that: (a) petitioner unjustifiably killed the victim; (b) he had the intention to kill, which is presumed; and (c) the killing was not attended by any of the qualifying circumstances of murder, or by that of parricide.<sup>5</sup> Moreover, it is settled that the positive and categorical identification of petitioner as the assailant prevails over his plain denial, which findings are accorded great weight and respect, notwithstanding that the judge who heard the case is different from the judge who rendered the Decision,<sup>6</sup> as in this case.

**SO ORDERED.” SERENO, C.J.**, on official leave; **PERALTA, J.**, acting member per S.O. No. 2103 dated July 13, 2015. **LEONARDO-DE CASTRO, J.**, on official leave; **LEONEN, J.**, acting member per S.O. No. 2108 dated July 13, 2015.

Very truly yours,

  
**EDGAR O. ARICHETA**  
Division Clerk of Court  
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(CA-G.R. CR No. 00896-MIN)

The Solicitor General (x)  
Makati City

The Hon. Presiding Judge  
Regional Trial Court, Br. 32  
Dinagat Islands 8412 Surigao del Norte  
(Stationed in Surigao City)  
(Crim. Case RTC No. 771)

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<sup>5</sup> *Villanueva v. Caparas*, G.R. No. 190969, January 30, 2013, 689 SCRA 679, 686; citations omitted.

<sup>6</sup> See *Decasa v. CA*, 554 Phil. 160, 179-180 (2007); citation omitted.