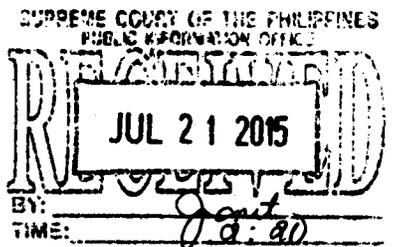




REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE



Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated **08 July 2015** which reads as follows:

"G.R. No. 217843 – *Celestino L. Bastismo v. People of the Philippines*

After a careful review of the records of the case, the Court finds no reversible error in the assailed June 27, 2014 Decision of the Court of Appeals. The prosecution firmly established that petitioner Celestino L. Bastismo is guilty beyond reasonable doubt of reckless imprudence by hitting the motorcycle in front of the passenger bus he was driving, which resulted in the death of its driver Hope Segindio and passenger Genalyn Deliarde, and serious physical injuries to the other passenger, Rosalyn Deliarde. Had the hitting of the victim's vehicle been intentional, the act would constitute a grave felony.

However, the penalty imposed on petitioner must be modified to conform to Article 365 of the Revised Penal Code, which provides that the penalty of *arresto mayor* in its maximum period to *prision correccional* in its medium period shall be imposed on any person who, by reckless imprudence, shall commit any act which, had it been intentional, would constitute a grave felony. With neither aggravating nor mitigating circumstances and applying the Indeterminate Sentence Law, the indeterminate penalty must be within the range of one (1) month and (1) day to four (4) months of *arresto mayor*, as minimum, to one (1) year, seven (7) months and eleven (11) days to two (2) years, ten (10) months and twenty (20) days of *prision correccional*, as maximum.

WHEREFORE, the Court ADOPTS the findings of fact and conclusions of law in the Decision dated June 27, 2014 of the Court of Appeals in CA-GR. CR-No. 00715, and AFFIRMS said Decision with the MODIFICATION that petitioner Celestino L. Bastismo is sentenced to suffer the indeterminate prison term of four (4) months of *arresto mayor*, as minimum, to two (2) years, ten (10) months and twenty (20) days of *prision correccional*, as maximum. (*Del Castillo, J., designated as Acting Chairman of the Second Division in view of the leave of absence of Brion, J., per Special Order 2087 [REVISED] dated July 1, 2015; Peralta, J., designated as Acting Member in view of leave of absence of Carpio, J. per Special Order No. 2088 dated July 1, 2015; Bersamin, J., designated as Acting Member in view of the leave of absence of Brion, J., per Special Order 2079 dated June 29, 2015*).

SO ORDERED."

Very truly yours,

MA Lourdes Q. Perfecto
MA. LOURDES Q. PERFECTO
Division Clerk of Court *7110*

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GR217843. 07/08/15(17[b])URES, 07/08/15