



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **09 December 2020** which reads as follows:*

“G.R. No. 248813 (*People of the Philippines v. Mark June Cuevas y Danlag*). – This appeal seeks to reverse and set aside the January 29, 2019 Decision¹ of the Court of Appeals (*CA*) in CA-G.R. CR-HC No. 09831. The *CA* affirmed with modification the July 21, 2017 Decision² of the Regional Trial Court of Quezon City, Branch 225 (*RTC*), finding Mark June Cuevas y Danlag (*appellant*) guilty beyond reasonable doubt of the crime of Murder, punishable under Article 248³ of the Revised Penal Code. The *CA* sentenced appellant to suffer the penalty of *reclusion perpetua* and to pay the heirs of the victim, Arlene Serrano y Pado (*Arlene*), One Hundred Thousand Pesos (₱100,000.00) as civil indemnity; One Hundred Thousand Pesos (₱100,000.00) as moral damages; One Hundred Thousand Pesos (₱100,000.00) as exemplary damages; and Fifty Thousand Pesos (₱50,000.00) as temperate damages.

Finding no reversible error in the ruling of the *CA*, the Court adopts the findings of fact and conclusions of law of the appellate court. The Court,

¹ *Rollo*, pp. 3-16; penned by Associate Justice Perpetua T. Atal-Paño with Associate Justices Ricardo R. Rosario (now a member of this Court) and Nina G. Antonio-Valenzuela, concurring.

² *CA rollo*, pp. 33-43; penned by Presiding Judge Maria Luisa Leslie G. Gonzales-Betic.

³ Art. 248. *Murder*. — Any person who, not falling within the provisions of Article 246 shall kill another, shall be guilty of murder and shall be punished by reclusion temporal in its maximum period to death, if committed with any of the following attendant circumstances:

1. With treachery, taking advantage of superior strength, with the aid of armed men, or employing means to weaken the defense or of means or persons to insure or afford impunity.

x x x x

5. With evident premeditation.

however, hereby modifies the award of damages.

Consistent with our ruling in *People v. Jugueta*,⁴ appellant should pay the heirs of Arlene ₱75,000.00 as civil indemnity; ₱75,000.00 as moral damages; and ₱75,000.00 as exemplary damages. An interest at the rate of six percent (6%) *per annum* shall be imposed on all damages awarded from the date of the finality of this judgment until fully paid.⁵

Anent the CA's decision to award temperate damages in lieu of actual damages, the Court affirms the same. The settled rule is that when actual damages proven by receipts during the trial amount to less than the sum allowed by the Court as temperate damages, the award of temperate damages is justified in lieu of actual damages.⁶ In the case at bench, Arlene's heirs were able to prove actual damages in the amount of ₱24,000.00. Since prevailing jurisprudence now fixes the amount of ₱50,000.00 as temperate damages in murder cases, the Court finds it proper to award temperate damages to Arlene's heirs in lieu of actual damages.⁷

WHEREFORE, the Court **AFFIRMS** the January 29, 2019 Decision of the Court of Appeals in CA-G.R. CR-HC No. 09831, which found Mark June Cuevas y Danlag guilty beyond reasonable doubt of the crime of Murder, punishable under Article 248 of the Revised Penal Code. Appellant is hereby sentenced to suffer the penalty of *reclusion perpetua* with the following **MODIFICATIONS**:

- (1) The award of civil indemnity damages is **DECREASED** to Seventy-Five Thousand Pesos (₱75,000.00);
- (2) The award of moral damages is **DECREASED** to Seventy-Five Thousand Pesos (₱75,000.00);
- (3) The award of exemplary damages is **DECREASED** to Seventy-Five Thousand Pesos (₱75,000.00);
- (4) Appellant is **ORDERED** to **PAY** the heirs of Arlene Serrano y Pado temperate damages in the amount of Fifty Thousand Pesos (₱50,000.00).

Appellant shall pay interest at the rate of six percent (6%) *per annum* on all the amounts herein granted as civil liabilities reckoned from the finality of this Resolution until full settlement, plus the costs of suit.

⁴ *People v. Jugueta*, 783 Phil. 806 (2016) as cited in *People v. Ampo*, G.R. No. 229938, February 27, 2019, 894 SCRA 378.

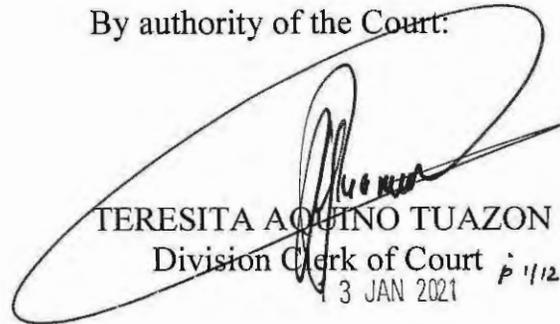
⁵ *People v. Ampo*, *supra*.

⁶ *People v. Racal*, 817 Phil. 665, 685 (2017).

⁷ *Id.* at 686.

SO ORDERED. (Gaerlan, *J.*, designated additional member vice Rosario, *J.*, per Special Order No. 2797-Q dated December 1, 2020)”

By authority of the Court:



TERESITA AQUINO TUAZON
 Division Clerk of Court
 3 JAN 2021 p 1/12

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THE DIRECTOR (reg)
 Bureau of Corrections
 1770 Muntinlupa City

HON. PRESIDING JUDGE (reg)
 Regional Trial Court, Branch 225
 Quezon City
 (Crim. Case No. R-QZN-14-04875)

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 Supreme Court, Manila

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*with copy of CA Decision dated 29 January 2019.
Please notify the Court of any change in your address.
 GR248813. 12/09/2020(216[b])URES