



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated 29 June 2020 which reads as follows:

“G.R. No. 246518 (People of the Philippines v. Ariel Vicencio y Dizon a.k.a. ‘Ariel’ and ‘Coronel’ and Gerry Soriano y Penollar a.k.a. ‘Spunkie,’ Accused; Eduardson Soriano y Gelua a.k.a. ‘Eduard,’ Sally Boy San Diego y Garcia a.k.a. ‘Sonny,’ and Rodel Legaspi y Tatel a.k.a. ‘Doc,’ Accused-appellants). – After a judicious study of the case, the Court resolves to **DISMISS** the appeal¹ for failure to sufficiently show that the Court of Appeals (CA) committed any reversible error in its assailed Decision as to warrant² the exercise of the Court’s appellate jurisdiction. However, in light of prevailing jurisprudence,² the Court deems it proper to modify the award of damages,³ and delete the award of attorney’s fees and expenses of litigation for lack of basis.³”

WHEREFORE, the Court **ADOPTS** the findings of fact and conclusions of law in the August 13, 2018 Decision⁴ of the CA in CA-G.R. CR-HC No. 09664 and **AFFIRMS** said Decision finding accused-appellants Eduardson Soriano y Gelua a.k.a. ‘Eduard,’ Sally Boy San Diego y Garcia a.k.a. ‘Sonny,’ and Rodel Legaspi y Tatel a.k.a. ‘Doc’ (accused-appellants) **GUILTY** beyond reasonable doubt of the crimes of Simple Robbery and Kidnapping for Ransom, defined and penalized under the Articles 294 (5) and 267 (2) of the Revised Penal Code, respectively. Accordingly, each of them is sentenced to suffer the following penalties: (a) in Crim. Case No. 150108-SJ, for the crime of Simple Robbery, the penalty of imprisonment for an indeterminate period of four (4) years of *prison correccional*, as minimum, to ten (10) years of *prison mayor*, as maximum; and (b) in Crim. Case No. 150109-SJ, for the crime of Kidnapping with Ransom, the

¹ See Notice of Appeal dated September 6, 2018; *rollo*, pp. 22-23.

² See *People v. Lidasan*, G.R. No. 227425, 817 Phil. 698-712 (2017).

³ “The settled rule is that the matter of attorney’s fees cannot be mentioned only in the dispositive portion of the decision. The same goes for the award of litigation expenses. The reasons or grounds for the award thereof must be set forth in the decision of the court. The discretion of the court to award attorney’s fees under Article 2208 of the Civil Code demands factual, legal, and equitable justification, without which the award is a conclusion without a premise, its basis being improperly left to speculation and conjecture,” as in this case. (See *Tolentino v. Laurel*, 682 Phil. 527-542 [2012].)

⁴ *Rollo*, pp. 3-21. Penned by Associate Justice Ma. Luisa C. Quijano-Padilla with Associate Justices Fernanda Lampas Peralta and Henri Jean Paul B. Inting (now a member of the Court), concurring.

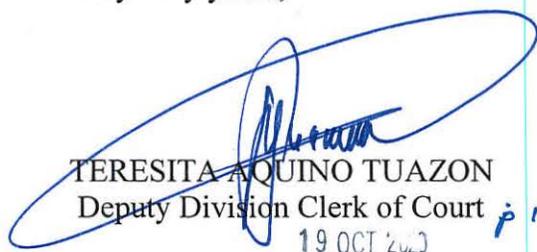
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June 29, 2020

penalty of *reclusion perpetua*, without eligibility for parole.⁵ Accused-appellants are likewise ordered to jointly and severally return the properties stolen from the victims, or, if restitution is no longer possible, to pay their equivalent value⁶ in the total amount of ₱1,800,000.00, as found by the courts *a quo*.⁷ Furthermore, accused-appellants are ordered to jointly and severally pay private complainants the following amounts: (a) ₱100,000.00 as civil indemnity; (b) ₱100,000.00 as moral damages; and (c) ₱100,000.00 as exemplary damages, plus costs of suit. All monetary awards shall earn an interest at the legal rate of six percent (6%) per annum from the date of finality of this Resolution until full payment.

SO ORDERED. (Gaerlan, J., designated Additional Member per Special Order No. 2780 dated May 11, 2020. Carandang, J., designated Additional Member vice Inting, J.)”

Very truly yours,


 TERESITA AQUINO TUAZON
 Deputy Division Clerk of Court *p 10/14*
 19 OCT 2020

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 RODEL LEGASPI y TATEL a.k.a. "DOC" (reg)
 Accused-Appellants
 c/o The Director
 Bureau of Corrections
 1770 Muntinlupa City

THE DIRECTOR (reg)
 Bureau of Corrections
 1770 Muntinlupa City

HON. PRESIDING JUDGE (reg)
 Regional Trial Court, Branch 162
 Pasig City
 (Crim. Case Nos. 150108-SJ & 150109-SJ)

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 GR246518. 6/29/2020(198)URES

⁵ See A.M. No. 15-08-02-SC entitled "GUIDELINES FOR THE PROPER USE OF THE PHRASE 'WITHOUT ELIGIBILITY FOR PAROLE' IN INDIVISIBLE PENALTIES," dated August 4, 2015.

⁶ See *People v. Bacayan*, G.R. No. 238457, September 18, 2019; *People v. Villanueva, Jr.*, 611 Phil. 152-179 (2009).

⁷ See *rollo*, p. 12.