



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated 07 October 2020 which reads as follows:*

**“G.R. No. 253200 – (Raul Fernandez @ “Raffy” v. People of the Philippines)** – For the Court’s resolution is the Petition for Review on *Certiorari* (Petition) against the March 7, 2019 Decision<sup>1</sup> and the February 20, 2020 Resolution<sup>2</sup> of the Court of Appeals, Cebu City (CA) in CA-G.R. No. CR-HC No. 02518. The CA Decision affirmed the March 9, 2016 Decision<sup>3</sup> of the Regional Trial Court, Branch 17 of Palompon, Leyte (RTC) in Crim. Case No. P-1361 convicting petitioner Raul Fernandez of Murder defined and penalized under Article 248 of the Revised Penal Code of one Edito Cartagenas. The CA Resolution denied petitioner’s Motion for Reconsideration of its Decision.

Considering that petitioner failed to show any reversible error in the assailed CA Decision and Resolution, the Courts resolves to **DENY** the Petition. Findings and conclusions by the trial court, especially when affirmed by the appellate court, are entitled to great respect and shall not be disturbed on appeal unless there has been serious misappreciation of facts that could materially affect the outcome of the case.<sup>4</sup> There being no such misappreciation of facts in this case, the disposition of the CA on the criminal and civil liabilities of petitioner stands.

However, while the CA had imposed interest of six percent (6%) interest per *annum* on the modified amount of damages from date of finality of its Decision until fully paid, it was not reflected on the dispositive portion of the assailed CA Decision. It remained uncorrected and overlooked in the assailed CA Resolution. Thus, the Court rectifies only this error.

<sup>1</sup> *Rollo*, pp. 217-233; Penned by Associate Justice Pamela Ann Abella Maxino, and concurred in by Associate Justices Louis P. Acosta and Emily R. Alifio-Geluz.

<sup>2</sup> *Id.* at 280-286.

<sup>3</sup> *Id.* at 100-115.

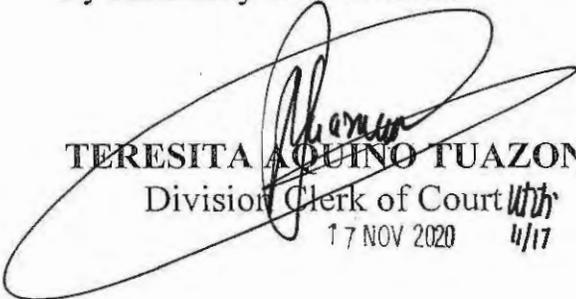
<sup>4</sup> *People v. Aguirre*, 845 Phil. 227, 238 (2017).

**WHEREFORE**, the Petition for Review on *Certiorari* is **DENIED**. The March 7, 2019 Decision and the February 20, 2020 Resolution of the Court of Appeals, Cebu City in CA-G.R. No. CR-HC No. 02518 are hereby **AFFIRMED WITH MODIFICATION**. Petitioner Raul Fernandez alias "Raffy" is found **GUILTY** of the crime of Murder of Edito Cartagenas, and is sentenced to suffer the penalty of *reclusion perpetua*. He is further **ORDERED to PAY** the heirs of Edito Cartagenas the amounts of Seventy-Five Thousand Pesos (₱75,000.00) as civil indemnity, Seventy-Five Thousand Pesos (₱75,000.00) as moral damages, Seventy-Five Thousand Pesos (₱75,000.00), as exemplary damages, and Fifty Thousand Pesos (₱50,000.00) as temperate damages.

All damages awarded shall earn interest at the legal rate of six percent (6%) per annum from the date of finality of this judgment until fully paid.

**SO ORDERED.**" (Baltazar-Padilla, *J.*, on leave)

By Authority of the Court:

  
**TERESITA AQUINO TUAZON**  
Division Clerk of Court *with*  
17 NOV 2020 4/17

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THE DIRECTOR (reg)

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1770 Muntinlupa City

OFFICE OF THE CHIEF ATTORNEY (x)

OFFICE OF THE REPORTER (x)

Supreme Court, Manila

HON. PRESIDING JUDGE (reg)

Regional Trial Court, Branch 17  
Palompon, Leyte  
(Crim. Case No. P-1361)

\*with copy of CA Decision dated 7 March 2019

*Please notify the Court of any change in your address.*  
GR253200. 10/07/2020(5)URES