



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **January 26, 2021** which reads as follows:*

“G.R. No. 252428 (Joemar T. Macato v. People of the Philippines). – After a perusal of the records of the case, this Court resolves to deny the instant Petition for Review on *Certiorari*¹ for failure of petitioner Joemar T. Macato to sufficiently show that the Court of Appeals committed reversible error in upholding his conviction for reckless imprudence resulting in homicide.

However, this Court finds it proper to reduce the awards of civil indemnity and temperate damages in accordance with Our ruling in *People v. Jugueta*.² In *Jugueta*, the awards of civil indemnity and moral damages were set at ₱50,000.00 each for reckless imprudence resulting to homicide. Furthermore, the amount of ₱50,000.00 as temperate damages shall be awarded when no documentary evidence of burial or funeral expenses is presented in court, as in the present case.

Therefore, the Regional Trial Court’s awards of ₱75,000.00 and ₱200,000.00 as civil indemnity and temperate damages, respectively, are both reduced to ₱50,000.00.

WHEREFORE, the petition is **DENIED**. The Decision dated July 30, 2019 and the Resolution dated February 24, 2020 of the Court of Appeals in CA-G.R. CR No. 39960 are **AFFIRMED with MODIFICATION**. Petitioner Joemar T. Macato is sentenced to an indeterminate penalty of two (2) months and one (1) day of *arresto mayor*, as minimum, to two (2) years, four (4) months and one (1) day of *prision correccional*, as maximum. He is **ORDERED** to pay the

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¹ Rollo, pp. 9-18.

² 783 Phil. 806 (2016).

heirs of the victim the following: (1) ₱50,000.00 as civil indemnity; (2) ₱50,000.00 as moral damages; (3) ₱50,000.00 as temperate damages; and (4) all the monetary awards shall earn an interest at the legal rate of six percent (6%) *per annum* from the date of finality of this judgment until fully paid.

SO ORDERED.” *Peralta, C.J., and Gaerlan, J., took no part; Hernando, J., designated as Additional Member per Raffle dated January 20, 2021; Inting, J., designated as Additional Member per Raffle dated December 21, 2020.*

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court
2021

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court
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Manila
(CA-G.R. CR No. 39960)

The Solicitor General
134 Amorsolo Street, Legaspi Village
1229 Makati City

The Hon. Presiding Judge
Regional Trial Court, Branch 7
Malolos City, 3000 Bulacan
(Crim. Case No. 4212-M-2016)

The Hon. Presiding Judge
Municipal Trial Court
Plaridel, 3004 Bulacan
(Crim. Case No. 11-1328)



