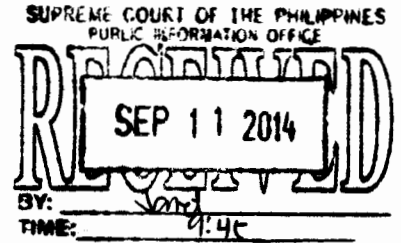




REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila
SECOND DIVISION



NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated **27 August 2014** which reads as follows:

G.R. No. 201569 – *People of the Philippines, plaintiff-appellee, v. Rogelio Lucena, Sr.,¹ Ruel Lucena and Jimboy Lucena a.k.a. Rogelio Lucena, Jr., accused-appellants.*

After a careful review of the records of the case, the Court finds the appeal to be lacking in merit. Both the Regional Trial Court of Agoo, La Union, Branch 32 and the Court of Appeals correctly found appellants Ruel Lucena and Jimboy Lucena *a.k.a.* Rogelio Lucena, Jr. guilty beyond reasonable doubt of the crime of murder for the killing of Renato Lucena, Jr. qualified by abuse of superior strength and accordingly sentenced them to suffer the penalty of *reclusion perpetua*. Moreover, appellants are not eligible for parole pursuant to Section 3 of Republic Act No. 9346 or the Act Prohibiting the Imposition of Death Penalty in the Philippines. The awards of civil indemnity in the amount of ₱75,000.00 and moral damages in the amount of ₱50,000.00 are proper. The award of exemplary damages, however, must be increased to ₱30,000.00 in line with prevailing jurisprudence. As regards the award of actual damages in the amount of ₱18,000.00, the same must be modified. Both the trial court and the appellate court awarded ₱18,000.00 as actual damages because this is the only amount covered by a receipt. However, as we held in *People v. Villanueva*,² “when actual damages proven by receipts during the trial amount to less than ₱25,000.00, as in this case, the award of temperate damages of ₱25,000.00 is justified in lieu of actual damages of a lesser amount.” Accordingly, we grant temperate damages in the amount of ₱25,000.00 in lieu of actual damages. In addition, all damages awarded shall earn interest at the rate of 6% *per annum* from date of finality of judgment until fully paid.

As regards Rogelio Lucena, Sr., we note that he died during the pendency of this case. “Considering that no final judgment had been rendered against him at the time of his death, whether or not he was guilty of the crime charged had become irrelevant because even assuming that he did incur criminal liability and civil liability *ex delicto*, these were totally extinguished by his death, following Article 89(1) of the Revised Penal Code and, by analogy, our ruling in *People v. Bayotas*.”³ Therefore, Criminal Case No. A-5593 should be dismissed with respect to him.

¹Also referred to as Rogelio Lucena in some parts of the records.

²456 Phil. 14, 29 (2003).


³*People v. Dadao*, G.R. No. 201860, January 22, 2014. Citation omitted.

WHEREFORE, the assailed November 28, 2011 Decision of the Court of Appeals in CA-G.R.-CR-HC No. 03982 finding appellants Ruel Lucena and Jimboy Lucena *a.k.a.* Rogelio Lucena, Jr. guilty beyond reasonable doubt of the crime of murder and sentencing them to suffer the penalty of *reclusion perpetua* and ordering them to pay the heirs of Renato Lucena, Jr. ₱75,000.00 as civil indemnity and ₱50,000.00 as moral damages is **AFFIRMED** with **MODIFICATIONS** that appellants are not eligible for parole; they are ordered to pay the heirs of Renato Lucena, Jr. ₱30,000.00 as exemplary damages; the award of actual damages is deleted; in lieu thereof, appellants are ordered to pay the heirs of the victim ₱25,000.00 as temperate damages; all with interest at the rate of 6% *per annum* from date of finality of judgment until full payment.

Criminal Case No. A-5593 is ordered **DISMISSED** with respect to Rogelio Lucena, Sr. in view of his death during the pendency of this case. (*Reyes J., designated Acting Member in view of the leave of absence of Brion, J. per Special Order No. 1763 dated August 26, 2014.*)

SO ORDERED.

Very truly yours,


MA. LOURDES C. PERFECTO
Division Clerk of Court *lysh*

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ROGELIO LUCENA, SR.
(deceased)
RUEL LUCENA AND JIMBOY LUCENA A.K.A. ROGELIO
LUCENA, JR. (reg)
Accused-Appellants
c/o The Director
Bureau of Corrections
1770 Muntinlupa City

HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 32
Agoo, La Union
Crim. Case No. A-5593

COURT OF APPEALS (x)
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CA-G.R. CR H.C. No. 03982

JUDGMENT DIVISION (x)
JUDICIAL RECORDS OFFICE (x)
Supreme Court, Manila

OFFICE OF THE CHIEF ATTORNEY (x)
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Supreme Court, Manila

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Please notify the Court of any change in your address.
GR201569. 08/27/14 (83)SR