

REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated **04 December 2019** which reads as follows:

“G.R. No. 233877 (*People of the Philippines v. Rommel C. Lirazan*). – Considering the allegations, issues, and arguments presented in the Accused-Appellant’s and Appellee’s Briefs,¹ which the parties adopted instead of filing their respective Supplemental Briefs, the Court resolves to **DISMISS** the appeal for failure to sufficiently show that the Court of Appeals (CA) in its Decision² dated September 6, 2016 committed any reversible error in upholding the conviction of Rommel C. Lirazan (appellant) for the crime of murder.

A careful review of the records shows that Delfin Mangubat (Delfin) *never* wavered in his *positive identification* of appellant as the person who shot and killed the victim. Delfin’s lone testimony, which was found to be positive and credible by the trial court and the CA, suffices to establish appellant’s guilt beyond reasonable doubt of the crime charged.³ After all, it is settled that “the testimony of a single witness, *if* straightforward and categorical, is sufficient to convict.”⁴

There is likewise no question that the victim’s killing had been committed by means of a motor vehicle, which, in turn, *qualified* the crime to murder under Article 248 of the Revised Penal Code. As the CA aptly pointed out, appellant’s use of a motorcycle allowed him to follow the victim, who was driving his Toyota car at the time, and shoot the latter at close range.⁵

¹ CA rollo, pp. 56-68 and 96-112, respectively.

² Rollo, pp. 2-12; penned by Associate Justice Nina G. Antonio-Valenzuela with Associate Justices Fernanda Lampas Peralta and Jane Aurora C. Lantion, concurring.

³ *People v. Callao*, G.R. No. 228945, March 14, 2018.

⁴ *Id.*

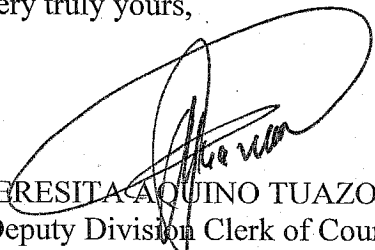
⁵ Rollo, p. 10.

However, the award of damages should be *modified* in accordance with prevailing jurisprudence. In *People v. Jugueta*,⁶ the Court ruled that civil indemnity, moral damages, and exemplary damages should be awarded at ₱75,000.00 each in cases involving murder wherein the penalty imposed is *reclusion perpetua*, as in this case.⁷ As such, the Court deems it proper to *increase* the amount of exemplary damages from ₱50,000.00 to ₱75,000.00.

WHEREFORE, the Court **ADOPTS** the findings of fact and conclusions of law of the Court of Appeals in its Decision dated September 6, 2016 in CA-G.R. CR HC No. 06342, and **AFFIRMS** said Decision finding appellant Rommel C. Lirazan guilty beyond reasonable doubt of the crime of murder under Article 248 of the Revised Penal Code, as amended, sentencing him to suffer the penalty of *reclusion perpetua*, and ordering him to pay the heirs of the victim the amounts of ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱120,000.00 as actual damages, with **MODIFICATION** in that, the award of exemplary damages is increased to ₱75,000.00. In addition, interest shall be imposed on all monetary awards at the rate of 6% *per annum* from the finality of this Resolution until fully paid.

SO ORDERED." (Bernabe, *J.*, on official business; Reyes, A., Jr., *J.*, designated as Acting Chairperson per Special Order No. 2750 dated November 27, 2019; Zalameda, *J.*, designated additional member per Special Order No. 2724 dated October 25, 2019; on official leave).

Very truly yours,


TERESITA AQUINO TUAZON
Deputy Division Clerk of Court

07 JAN 2020 p 116

⁶ 783 Phil. 806 (2016).

⁷ *Id.* at 847-848.

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 Accused-Appellant
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THE DIRECTOR (reg)
 Bureau of Corrections
 1770 Muntinlupa City

HON. PRESIDING JUDGE (reg)
 Regional Trial Court, Branch 128
 Caloocan City
 (Crim. Case No. C-76059)

JUDGMENT DIVISION (x)
 Supreme Court, Manila

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*with copy of CA Decision dated 6 September 2016.
Please notify the Court of any change in your address.
 GR233877. 12/04/2019A(99)URES *1/16*