

Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated October 1, 2019 which reads as follows:

“G.R. No. 244841 (People of the Philippines v. Chester Abello y Abello a.k.a. “Chester Abello y Jaravilla”)

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 the assailed Decision as to warrant the exercise of the Court’s appellate jurisdiction. However, in light of prevailing jurisprudence, particularly *People v. Jugueta*,² the Court deems it proper to modify the award of damages.

WHEREFORE, the Court **ADOPTS** the findings of fact and conclusions of law in the September 27, 2018 Decision³ of the CA in CA-G.R. CR-HC No. 08967 and **AFFIRMS with MODIFICATION** said Decision finding accused-appellant Chester Abello y Abello a.k.a. “Chester Abello y Jaravilla” **GUILTY** beyond reasonable doubt of the crime of Robbery with Homicide, defined and penalized under Article 294 (1) of the Revised Penal Code. Accordingly, he is sentenced to suffer the penalty of *reclusion perpetua* and to pay the following amounts: (a) ₱63,143.00 as actual damages to Cristina Yambao-Alcantara; and (b) ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages to the heirs of Robelene Pongcol. Moreover, 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.

¹ See Notice of Appeal dated October 29, 2018; *rollo*, pp. 18-19.

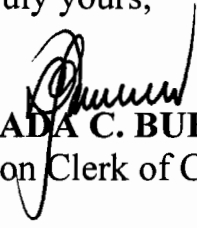
² 783 Phil. 806, 849 (2016).

³ *Rollo*, pp. 3-17. Penned by Associate Justice Stephen C. Cruz with Associate Justices Zenaida T. Galapate-Laguilles and Rafael Antonio M. Santos, concurring.

The accused-appellant's manifestation in lieu of supplemental brief, pursuant to the Resolution dated June 3, 2019, stating that he will no longer file a supplemental brief since he had exhaustively argued all the relevant issues in his Appellant's Brief filed before the Court of Appeals; and the Office of the Solicitor General's manifestation in lieu of supplemental brief, pursuant to the Resolution dated June 3, 2019, stating that the filing of its supplemental brief is no longer needed as the arguments and issues raised in the Appellant's Brief had already been traversed and thoroughly discussed in the Appellee's Brief filed before the Court of Appeals and judiciously considered and passed upon in the appealed decision of the Court of Appeals, are both **NOTED**; and the Office of the Solicitor General is hereby required to **SUBMIT** within five (5) days from notice hereof, a soft copy in compact disc, USB or e-mail containing the PDF file of the signed manifestation in lieu of supplemental brief pursuant to A.M. Nos. 10-3-7-SC and 11-9-4-SC.

SO ORDERED. *Zalameda, J., designated as Additional Member per Special Order No. 2712 dated September 27, 2019. Carandang, J., on official leave.*

Very truly yours,


LIBRADA C. BUENA
Division Clerk of Court

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

Public Information Office (x)
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Supreme Court
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Judgment Division (x)
Supreme Court

The Director General
Bureau of Corrections
1770 Muntinlupa City

UR

Court of Appeals (x)
Manila
(CA-G.R. CR-HC No. 08967)

PUBLIC ATTORNEY'S OFFICE
Special & Appealed Cases Service
Counsel for Accused-Appellant
DOJ Agencies Building
NIA Road corner East Avenue
Diliman, 1101 Quezon City

The Presiding Judge
Regional Trial Court, Branch 88
1100 Quezon City
(Criminal Case No. Q-09-158582)

Chester A. Abello
Accused-Appellant
c/o The Director General
Bureau of Corrections
1770 Muntinlupa City

