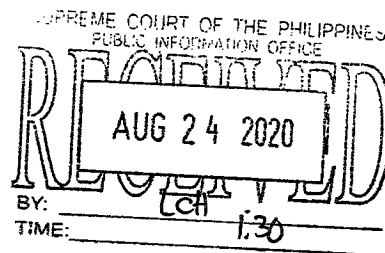




Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE



Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated **June 22, 2020**, which reads as follows:

“G.R. No. 236359 (PEOPLE OF THE PHILIPPINES, *plaintiff-appellee* v. MELVIN ORTINEZ y COBIOSO, CYRUS DELA ROSA, ELINO ORTINEZ, INGKO ORTINEZ, PETER DADUR, and CHARLIE SURIMA y MICUTUAN, *accused*; MELVIN ORTINEZ y COBIOSO and CYRUS DELA ROSA, *accused-appellants*). — The Court of Appeals elevated the records of this case to this Court pursuant to its October 3, 2017 Resolution,¹ which gave due course to the Notice of Appeal² filed by accused-appellants Melvin Ortinez y Cobioso and Cyrus Dela Rosa.

In its February 19, 2018 Resolution,³ this Court directed the parties to file their supplemental briefs and required the Superintendent of the New Bilibid Prison to confirm the confinement of accused-appellants.

As noted in this Court’s July 30, 2018 Resolution,⁴ both plaintiff-appellee People of the Philippines, through the Office of the Solicitor General,⁵ and accused-appellants⁶ manifested that they would be adopting the Briefs they filed before the Court of Appeals. This Court also noted the letters⁷ of the Superintendent of the New Bilibid Prison, confirming accused-appellants’ confinement there.

¹ *Rollo*, p. 16.

² *Id.* at 13–15.

³ *Id.* at 18–19.

⁴ *Id.* at 36–37.

⁵ *Id.* at 24–29.

⁶ *Id.* at 31–35.

⁷ *Id.* at 20 and 22.

After a careful perusal of the records, this Court resolves to dismiss the appeal of accused-appellants for their failure to show any reversible error in the Court of Appeals' assailed August 10, 2017 Decision.⁸

WHEREFORE, this Court **ADOPTS** the findings of fact and conclusions of law of the Regional Trial Court and the Court of Appeals. The Court of Appeals' August 10, 2017 Decision in CA-G.R. CR.-H.C. No. 06045 is **AFFIRMED**. Accused-appellants Melvin Ortinez y Cobioso and Cyrus Dela Rosa are found **GUILTY** beyond reasonable doubt of murder, punished under Article 248 of the Revised Penal Code. They are sentenced to suffer the penalty of *reclusion perpetua*. They are also **DIRECTED** to pay the heirs of the victim, Rogelio Capiz y Hubilla: (1) ₱114,175.00 as actual damages; (2) ₱75,000.00 as moral damages; (3) ₱75,000.00 as civil indemnity; and (4) ₱75,000.00 as exemplary damages.⁹

All damages awarded shall be subject to interest at the rate of six percent (6%) per annum from the finality of this Resolution until their full satisfaction.¹⁰

SO ORDERED." (Gaerlan, J., *on leave*.)

Very truly yours,

Misa D C Batt
MISAE L DOMINGO C. BATTUNG III
Division Clerk of Court
8/4/2020

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CA G.R. CR HC No. 06045
1000 Manila

OFFICE OF THE SOLICITOR GENERAL
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Legaspi Village, 1229 Makati City

⁸ Id. at 2–12. The Decision was penned by Associate Justice Myra V. Garcia-Fernandez and concurred in by Associate Justices Romeo F. Barza and Pablito A. Perez of the Special Sixteenth Division of the Court of Appeals, Manila.

⁹ See *People v. Jugueta*, 783 Phil. 806 (2016) [Per J. Peralta, En Banc].

¹⁰ See *Nacar v. Gallery Frames*, 716 Phil. 267 (2013) [Per J. Peralta, En Banc].

The Presiding Judge
REGIONAL TRIAL COURT
Branch 128, 1400 Caloocan City
(RTC CR No. 75896)

The Cashier
Cash Collection & Disbursement Division
FMBO, Supreme Court

CSSupt. Gerardo F. Padilla
Superintendent
New Bilibid Prison
BUREAU OF CORRECTIONS
1770 Muntinlupa City

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