



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **18 January 2021** which reads as follows:*

“**G.R. No. 246323** (*People of the Philippines v. Danilo Junio, Jr. y Belwar*). – After a review of the records, the Court resolves to **DISMISS** the appeal for failure of Danilo Junio, Jr. y Belwar (*appellant*) to sufficiently show that the Court of Appeals (*CA*) committed any reversible error in its Decision<sup>1</sup> dated November 23, 2018, in CA-G.R. CR-HC No. 09850, which affirmed the July 25, 2017 Decision<sup>2</sup> of the Regional Trial Court of Antipolo City, Branch 100, in Criminal Case No. 13-47249, finding him guilty beyond reasonable doubt of the crime of Murder, and sentencing him with the penalty of *reclusion perpetua*.

Appellant assails the decision of the CA arguing, among others, that treachery was not attendant in the commission of the crime.

There are two (2) requirements in order that treachery may be appreciated: (1) the victim was in no position to defend himself or herself when attacked; and (2) the assailant consciously and deliberately adopted the methods, means, or form of one’s attack against the victim.<sup>3</sup> Having shown that both elements of treachery exist in this case, the conviction for murder is proper.

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<sup>1</sup> *Rollo*, pp. 3-14; penned by Associate Justice Rodil V. Zalameda (now a Member of this Court) with Associate Justices Fernanda Lampas Peralta and Marie Christine Azcarraga-Jacob, concurring.

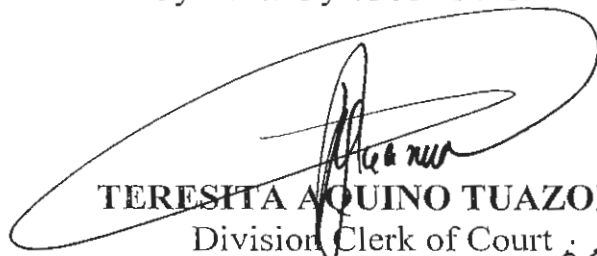
<sup>2</sup> *CA rollo*, pp. 44-50; penned by Presiding Judge Ma. Consejo Gengos-Ignalaga.

<sup>3</sup> *People v. Albina*, 830 Phil. 352, 361 (2018).

**WHEREFORE**, the Court **DISMISSES** the appeal and **AFFIRMS *in toto*** the Decision dated November 23, 2018 of the Court of Appeals in CA-G.R. CR-HC No. 09850. Appellant is hereby ordered to pay the heirs of the victim the amounts of ₱30,000.00 as actual damages, ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages and ₱75,000.00 as exemplary damages. The monetary awards shall earn interest at the rate of six percent (6%) *per annum* from the finality of this Resolution until fully paid.<sup>4</sup>

**SO ORDERED.** (Rosario, *J.*, designated additional member per Special Order No. 2797 dated November 5, 2020; on official leave)”

By authority of the Court:

  
**TERESITA AQUINO TUAZON**  
 Division Clerk of Court *p. 2/8*  
 08 FEB 2021

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DANILO JUNIO, JR. y BELWAR (reg)  
 Accused-Appellant  
 c/o The Director  
 Bureau of Corrections  
 1770 Muntinlupa City

THE DIRECTOR (reg)  
 Bureau of Corrections  
 1770 Muntinlupa City

HON. PRESIDING JUDGE (reg)  
 Regional Trial Court, Branch 100  
 1870 Antipolo City, Rizal  
 (Crim. Case No. 13-47249)

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 Supreme Court, Manila

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*Please notify the Court of any change in your address.*  
 GR246323. 1/18/2021(91)URES

<sup>4</sup> *Nacar v. Gallery Frames*, 716 Phil. 267 (2013).