



Republic of the Philippines  
Supreme Court  
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated March 15, 2021, which reads as follows:*

“G.R. No. 241252 (PEOPLE OF THE PHILIPPINES, *plaintiff-appellee* v. ALVIN UPANO y DIONISIO, *accused-appellant*.) — The Court of Appeals elevated the records of this case to this Court pursuant to its Resolution,<sup>1</sup> which gave due course to the Notice of Appeal<sup>2</sup> filed by accused-appellant Alvin Upano y Dionisio.

In its October 3, 2018 Resolution,<sup>3</sup> this Court noted the records of this case forwarded by the Court of Appeals and required the parties to file their respective supplemental briefs.

In its January 21, 2019 Resolution,<sup>4</sup> this Court noted the manifestations filed by accused-appellant<sup>5</sup> and the Office of the Solicitor General<sup>6</sup> stating that they will no longer file supplemental briefs.

After an evaluation of the records of this case, this Court resolves to **DISMISS** the appeal of accused-appellant for his failure to sufficiently show reversible error in the assailed Court of Appeals’ March 19, 2018 Decision<sup>7</sup> warranting the exercise of this Court’s appellate jurisdiction.

**WHEREFORE**, the findings of fact and conclusions of law of the Court of Appeals in CA-G.R. CR HC No. 09244 are **AFFIRMED with MODIFICATIONS**.

<sup>1</sup> *Rollo*, p. 16. The April 30, 2018 Resolution was penned by Division Clerk of Court Atty. Dionisio C. Jimenez of the Court of Appeals, Manila.

<sup>2</sup> *Id.* at 12–15.

<sup>3</sup> *Id.* at 18–19.

<sup>4</sup> *Id.* at 37–38.

<sup>5</sup> *Id.* at 32–34.

<sup>6</sup> *Id.* at 28–31.

<sup>7</sup> *Id.* at 2–11. The Decision was penned by Associate Justice Remedios A. Salazar-Fernando, and concurred in by Associate Justices Jane Aurora C. Lantion and Zenaida T. Galapate-Laguilles of the Second Division, Court of Appeals, Manila.

Accused-appellant Alvin Upano y Dionisio is found **GUILTY** beyond reasonable doubt of murder, punished under Article 248 of the Revised Penal Code. He is sentenced to suffer the penalty of *reclusion perpetua*. He is also **DIRECTED** to pay the heirs of the victim, Jimmy Hernandez y Sartorio civil indemnity, moral damages, and exemplary damages in the amount of ₱75,000.00, each,<sup>8</sup> and ₱50,000.00 as temperate damages.

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.<sup>9</sup>

**SO ORDERED.”**

By authority of the Court:

*Mie Dc Batt*  
**MISAELO DOMINGO C. BATTUNG III**  
*Division Clerk of Court*

*8804*  
*8/23/21*

PUBLIC ATTORNEY'S OFFICE  
Special & Appealed Cases Service  
DOJ Agencies Building  
East Avenue cor. NIA Road  
Diliman, 1104 Quezon City

Mr. Alvin Upano y Dionisio  
c/o The Superintendent  
New Bilibid Prison  
BUREAU OF CORRECTIONS  
1770 Muntinlupa City

COURT OF APPEALS  
CA G.R. CR HC No. 09244  
1000 Manila

PHILIPPINE JUDICIAL ACADEMY  
Research Publications and Linkages Office  
Supreme Court, Manila  
[research\_philja@yahoo.com]

OFFICE OF THE SOLICITOR GENERAL  
134 Amorsolo Street  
Legaspi Village, 1229 Makati City

PUBLIC INFORMATION OFFICE  
Supreme Court, Manila  
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The Presiding Judge  
REGIONAL TRIAL COURT  
Branch 173, 1000 Manila  
(Crim. Case No. 14-303524)

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1770 Muntinlupa City

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Supreme Court, Manila

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**URES**

<sup>8</sup> *People v. Jugueta*, 783 Phil. 806 (2016) [Per J. Peralta, En Banc].

<sup>9</sup> *See Nacar v. Gallery Frames*, 716 Phil. 267 (2013) [Per J. Peralta, En Banc].