



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **29 July 2020** which reads as follows:*

“**G.R. No. 243623 (People of the Philippines v. Domingo Lazarte y Cobatha)**. – Considering the allegations, the issues and arguments presented in the Accused-Appellant’s and the Plaintiff-Appellee’s Briefs, which the parties adopted instead of filing their respective Supplemental Briefs, the Court resolves to **DISMISS** the appeal for failure of Domingo Lazarte y Cobatha (accused-appellant) to sufficiently show that the Court of Appeals (CA) committed any reversible error in its assailed Decision¹ dated May 12, 2017, as to warrant the exercise of the Court’s appellate jurisdiction.

The RTC and the CA ruled that the prosecution was able to discharge the burden of proving beyond reasonable doubt all the elements of the crime of murder. For the charge of murder to prosper, the prosecution must prove the existence of the following elements: (1) that a person was killed; (2) that the accused killed him. (3) that the killing was attended by any of the qualifying circumstances mentioned in Article 248 of the Revised Penal Code; and (4) the killing is not parricide or infanticide.²

In the instant case, the prosecution was able to establish all the elements of the crime of murder: 1) the victim was killed on June 3, 2013 at around 11:30 p.m.; 2) Jennifer positively identified the accused-appellant as the perpetrator; 3) the killing was attended by treachery; and 4) the killing is not parricide or infanticide.

¹ *Rollo*, pp. 2-9; penned by Justice Rosmari D. Carandang (now a member of the Court) with Justice Ramon Paul L. Hernando (now a member of the Court) and Associate Justice Ma. Luisa C. Quijano-Padilla, concurring.

² *People v. Racal*, G.R. No. 224886, September 4, 2017.

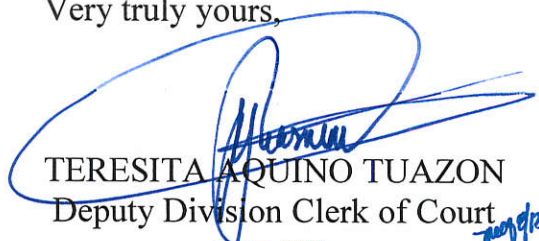
Both the RTC and the CA correctly appreciated the qualifying circumstance of treachery. The victim was completely unaware of any threat to his life. The victim was asleep on a folding chair when accused-appellant stabbed him. The autopsy report revealed that the attack was frontal as the stab wounds were located on the victim's left shoulder and chest causing his death. The victim also had no defense wounds that would show if he was awake at the time of the attack. The victim was completely defenseless. Evidently, the killing was executed to ensure that the victim has no opportunity to respond or defend himself.

WHEREFORE, the Court **ADOPTS** the findings of fact and conclusions of law in the Decision dated May 12, 2017 of the Court of Appeals, Manila in CA-G.R. CR-HC No. 07595, and **AFFIRMS** the Decision finding accused-appellant guilty beyond reasonable doubt of the crime of Murder under Article 248 of the Revised Penal Code.

However, in light of prevailing jurisprudence in *People v. Jugueta*,³ the Court deems it proper to modify the award in that accused-appellant is hereby **ORDERED** to pay the heirs of Alex David y Morena ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, ₱75,000.00 as exemplary damages, and ₱50,000.00 as temperate damages. All monetary awards shall earn interest rate of 6% per *annum* from the date of finality of the Resolution until fully paid.

SO ORDERED.” (*Hernando, J. no part due to prior action in the Court of Appeals; Lazaro-Javier, J. designated additional member per Raffle dated 27 November 2019.*)

Very truly yours,


TERESITA AQUINO TUAZON
Deputy Division Clerk of Court
13 AUG 2020

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³ 783 Phil. 806, 852 (2016).

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HON. PRESIDING JUDGE (reg)
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(Crim. Case No. 13-297578)

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