

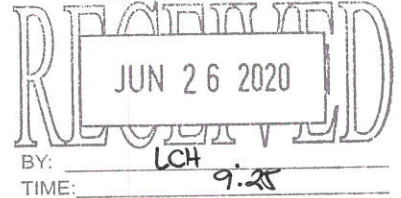


Republic of the Philippines  
**Supreme Court**  
 Manila

THIRD DIVISION

NOTICE

SUPREME COURT OF THE PHILIPPINES  
 PUBLIC INFORMATION OFFICE



Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated **March 4, 2020**, which reads as follows:

“G.R. No. 243981 (*People of the Philippines v. Diosdado Balbacal y Moreno a.k.a. “Jun”*). – Considering the allegations, issues and arguments presented in the appellant’s and appellee’s briefs, which the parties adopted instead of filing their respective supplementary appeal briefs, the Court resolves to **DISMISS** the Appeal<sup>1</sup> for failure to sufficiently show that the Court of Appeals (*CA*) committed any reversible error in its assailed Decision, dated August 1, 2018, finding appellant guilty beyond reasonable doubt of murder.

**WHEREFORE**, the Court **ADOPTS** the findings of fact and conclusions of law in the Decision dated August 1, 2018 of the Court of Appeals in CA-G.R. CR-HC No. 07834 and **AFFIRMS with MODIFICATIONS** said Decision, finding appellant Diosdado Balbacal y Moreno *a.k.a.* “Jun” **GUILTY** beyond reasonable doubt of Murder as defined under Article 248<sup>2</sup> of the Revised Penal Code, as amended. Appellant is hereby sentenced to suffer the penalty of *reclusion perpetua*. The phrase “without eligibility of parole” is deleted.<sup>3</sup> Appellant is **ORDERED** to pay civil indemnity in the amount of ₱75,000.00; moral damages in the amount of ₱75,000.00; exemplary damages in the amount of ₱75,000.00; and temperate damages in the amount of ₱50,000.00. The award of ₱50,000.00 as temperate

<sup>1</sup>CA rollo, pp. 111-112; see Notice of Appeal dated September 4, 2018.

<sup>2</sup>Art. 248. *Murder*. — Any person who, not falling within the provisions of Article 246, shall kill another, shall be guilty of murder and shall be punished by *reclusion perpetua*, to death if committed with any of the following attendant circumstances:

1. With treachery, taking advantage of superior strength, with the aid of armed men, or employing means to weaken the defense, or of means or persons to insure or afford impunity;
2. In consideration of a price, reward, or promise;
3. By means of inundation, fire, poison, explosion, shipwreck, stranding of a vessel, derailment or assault upon a railroad, fall of an airship, by means of motor vehicles, or with the use of any other means involving great waste and ruin;
4. On occasion of any of the calamities enumerated in the preceding paragraph, or of an earthquake, eruption of a volcano, destructive cyclone, epidemic or any other public calamity;
5. With evident premeditation;
6. With cruelty, by deliberately and inhumanly augmenting the suffering of the victim, or outraging or scoffing at his person or corpse. (*As amended by R.A. No. 7659.*)

<sup>3</sup>Pursuant to A.M. No. 15-08-02-SC entitled *Guidelines for the Proper Use of the Phrase “Without Eligibility for Parole” in Indivisible Penalties* dated August 4, 2015.

March 4, 2020

damages in homicide or murder cases is proper when no evidence of burial and funeral expenses is presented in the trial court.<sup>4</sup> Moreover, all damages awarded shall earn interest at the rate of six percent (6%) *per annum* from date of finality of this Resolution until full payment.<sup>5</sup>

**SO ORDERED.”**

Very truly yours,

*Mis D C Batt*  
**MISAEAL DOMINGO C. BATTUNG III**  
*Division Clerk of Court* *gms 3/11/20*

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

COURT OF APPEALS  
 CA G.R. CR HC No. 07834  
 1000 Manila

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

Superintendent  
 New Bilibid Prison North  
 BUREAU OF CORRECTIONS  
 770 Muntinlupa City

Mr. Diosdado M. Balbacal  
 c/o The Superintendent  
 New Bilibid Prison North  
 BUREAU OF CORRECTIONS  
 1770 Muntinlupa City

The Presiding Judge  
 REGIONAL TRIAL COURT  
 Branch 5, Lemery, 4209 Batangas  
 (Criminal Case No. 57-91)

PUBLIC INFORMATION OFFICE  
 Supreme Court, Manila  
 [For uploading pursuant to A.M. 12-7-1-SC]

LIBRARY SERVICES  
 Supreme Court, Manila

Judgment Division  
 JUDICIAL RECORDS OFFICE  
 Supreme Court, Manila

243981

len/

(201)  
 URES

<sup>4</sup>*People v. Jugueta*, 783 Phil. 806, 846-847 (2016).

<sup>5</sup>*Nacar v. Gallery Frames*, 716 Phil. 267 (2013).