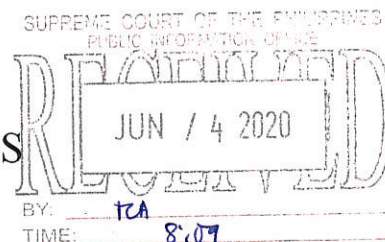




REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION



NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated 24 February 2020 which reads as follows:

“**G.R. No. 236589 (People of the Philippines v. Fernando Carmelo, Jr. y Austria)**. – The Court **NOTES** the compliance with profuse apology dated January 20, 2020 of the Public Attorney’s Office (PAO) with the Resolutions dated September 25, 2019 and March 14, 2018, stating that the Resolution dated March 14, 2018 was not received by the PAO Special and Appealed Cases Service (PAO-SACS) and could not be verified thru a copy of the return card, and that Atty. Mariane Celeste L. Cariño-Lameyra, who was assigned to this case, has resigned from the PAO-SACS, and dispensing the filing of the supplemental brief as accused-appellant Fernando Carmelo, Jr. y Austria’s (accused-appellant) brief had adequately discussed all the matters pertinent to the defense.

After a judicious study of the case, the Court resolves to **DISMISS** the appeal¹ for failure to sufficiently show that the Court of Appeals (CA) committed any reversible error in the assailed Decision as to warrant the exercise of the Court’s appellate jurisdiction. However, in light of prevailing jurisprudence,² the Court deems it proper to increase the award of exemplary damages to ₱75,000.00 and the award of temperate damages to ₱50,000.00.

WHEREFORE, the Court **ADOPTS** the findings of fact and conclusions of law in the August 31, 2017 Decision³ of the CA in CA-G.R. CR-HC No. 07404 and **AFFIRMS with MODIFICATION** said Decision finding accused-appellant **GUILTY** beyond reasonable doubt of the crime of Parricide, defined and penalized under Article 246 of the Revised Penal Code. Accordingly, he is sentenced to suffer the penalty of *reclusion perpetua* and to pay the heirs of Milagros Carmelo y Valdez the following amounts: (a) 75,000.00 as civil indemnity; (b) 75,000.00 as moral damages; (c) 75,000.00 as exemplary damages; and (d) ₱50,000.00 as temperate damages. Moreover, all monetary awards shall

¹ See Notice of Appeal dated September 25, 2017; *rollo*, pp. 12-13.

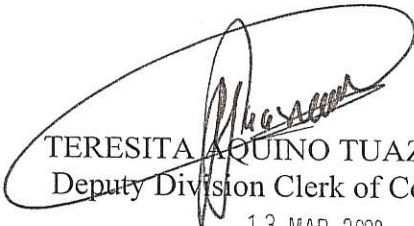
² *People v. Jugueta*, 783 Phil. 806, 848 (2016).

³ *Rollo*, pp. 2-11. Penned by Associate Justice Nina G. Antonio-Valenzuela with Associate Justices Stephen C. Cruz and Manuel M. Barrios, concurring.

earn an interest at the legal rate of six percent (6%) per annum from the date of finality of this Resolution until full payment.

SO ORDERED.”

Very truly yours,



TERESITA AQUINO TUAZON
Deputy Division Clerk of Court p 3/12
13 MAR 2020

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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 147
Makati City
(Crim. Case No. 12-1309)

JUDGMENT DIVISION (x)
Supreme Court, Manila

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CA-G.R. CR HC No. 07404

*with copy of CA Decision dated 31 August 2017
Please notify the Court of any change in your address.
GR236589. 02/24/20(95)URES