



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **11 March 2020** which reads as follows:*

“G.R. No. 248296 (*Loui Andrew Plomantes v. The People of the Philippines*). — The Court **NOTES** the compliance dated 21 October 2019 with the Resolution dated 11 September 2019 by counsel for petitioner, submitting the affidavit of service of the motion for extension to file the petition for review on certiorari upon the Court of Appeals and the Office of the Solicitor General.

After a judicious study of the case, the Court resolves to **DENY** the instant petition¹ for failure to sufficiently show that the Court of Appeals (CA) committed any reversible error in upholding accused-appellant Loui Andrew Plomantes’ conviction for the crime of homicide. The CA did not err in relying on the evaluation of the credibility of witnesses by the Regional Trial Court (RTC) notwithstanding the judge who penned the RTC decision is not the same judge who heard the testimonies of the witnesses. In the absence of any showing that there is any irregularity in the transcript of records, the same is presumed to be a complete and authentic record of everything that transpired during the trial, sufficient for a judge to have evaluated the credibility of the witnesses.² Anent the supposed discrepancies among the prosecution witnesses’ testimonies, the Court has held that inconsistencies on minor details do not impair the credibility of the witnesses where there is consistency in relating the principal occurrence and positive identification of the perpetrator.³

The Court, however, modifies the amount of temperate damages awarded in favor of the heirs of the victim Marc Angelo Valentin, increasing it from ₱25,000.00 to ₱50,000.00 pursuant to prevailing jurisprudence.⁴

WHEREFORE, premises considered, the Court resolves to **AFFIRM** with **MODIFICATION** the February 20, 2019 Decision⁵ of the

¹ Rollo, pp. 9-42.

² See *People v. Udang, Sr.* G.R. No. 210161, January 10, 2018.

³ *People v. Pulgo*, G.R. No. 218205, July 5, 2017.

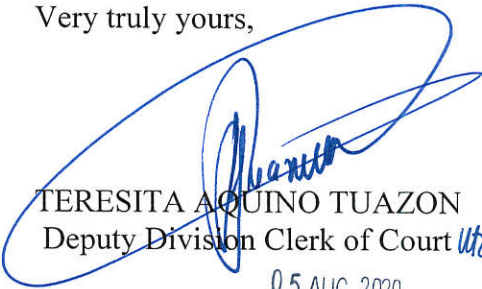
⁴ *People v. Jugueta*, 783 Phil. 806 (2016).

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Court of Appeals in CA-G.R. CR No. 39968 finding accused-appellant Loui Andrew Plomantes **GUILTY** beyond reasonable doubt of the crime of Homicide, defined and penalized under Article 249 of the Revised Penal Code. Accordingly, he is sentenced to suffer the penalty of imprisonment for an indeterminate period of twelve (12) years of *prision mayor* as minimum, to seventeen (17) years of *reclusion temporal* as maximum, and to pay the heirs of Marc Angelo Valentin the following amounts: (a) ₱50,000.00 as civil indemnity; (b) ₱50,000.00 as moral damages, and (c) ₱50,000.00⁶ as temperate damages. Moreover, all monetary awards shall earn legal interest at the rate of six percent (6%) *per annum* from the date of finality of this Resolution until fully paid.

SO ORDERED.”

Very truly yours,



TERESITA AQUINO TUAZON
Deputy Division Clerk of Court *Utah, 8/4*
05 AUG 2020

⁵ Penned by Associate Justice Rafael Antonio M. Santos with Associate Justices Mariflor P. Punzalan Castillo and Danton Q. Bueser concurring; *rollo*, pp. 49-73.

⁶ In lieu of actual damages and in light of the ruling in *People v. Jugueta*, 783 Phil. 806, 853 (2016).

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HON. PRESIDING JUDGE (reg)
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(Crim. Case No. 11-2212)

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OFFICE OF THE REPORTER (x)
Supreme Court, Manila

*with copy of CA Decision dated 20 February 2019
Please notify the Court of any change in your address.
GR248296. 3/11/2020 (187)URES *12/19*