



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **10 May 2021** which reads as follows:*

“G.R. No. 254377 (People of the Philippines v. Rolando Samson Ambrocio, Jr.) – The Court **NOTES** (1) the manifestation and motion (in lieu of supplemental brief) dated May 3, 2021 of the Office of the Solicitor General, dispensing with the filing of supplemental brief as its brief filed before the Court of Appeals (CA) has thoroughly discussed all issues raised by accused-appellant Rolando Samson Ambrocio, Jr. (Ambrocio), and stating that the instant manifestation is timely filed in view of Memorandum Order No. 28-2021¹ issued by the Court on April 30, 2021; with prayer that the instant manifestation be noted and considered sufficient compliance with the Resolution dated January 11, 2021; and (2) the manifestation (in lieu of supplemental brief) dated May 4, 2021 of the Public Attorney’s Office, adopting its brief filed before the CA as its supplemental brief since the same had adequately discussed all the matters pertinent to Ambrocio’s defense.

After a judicious study of the case, the Court resolves to **DISMISS** the appeal² for failure to sufficiently show that the CA committed any reversible error in affirming the conviction of Ambrocio of the crime of Murder, as defined and penalized under Article 248³ of the Revised Penal Code.

The CA correctly ruled that all the elements of Murder⁴ are present in this case, considering that the prosecution had adequately established that Ambrocio entered the house, suddenly took the three (3)-year-old victim, Hanna M. Lope

¹ See Memorandum Order No. 28-2021 entitled ‘WORK ARRANGEMENT AND OPERATIONAL CAPACITY TO BE OBSERVED IN THE OFFICES OF THE SUPREME COURT’.

² See Notice of Appeal dated August 22, 2018; CA *rollo*, pp. 136-137.

³ Article 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 temporal* in its maximum period 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.

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⁴ ‘Jurisprudence dictates that the elements of murder are as follows: (a) that a person was killed; (b) that the accused killed him; (c) that the killing was attended by any of the qualifying circumstances mentioned in Article 248; and (d) that the killing is not parricide or infanticide.’ (*People v. Kalipayan*, 824 Phil. 173, 183 [2018], citing *People of the Philippines v. Bensig*, 437 Phil. 748, 763 [2002]).

(Hanna), and thereafter, slit her neck, resulting in her death.⁵ Case law instructs that treachery exists whenever an adult person illegally attacks a child,⁶ as in this case.

However, in the absence of any other circumstance aside from treachery which had already qualified the killing to Murder, there is a need to delete the phrase 'without eligibility for parole' in Ambrocio's penalty, pursuant to A.M. No. 15-08-02-SC.⁷ Furthermore, and pursuant to prevailing jurisprudence,⁸ there is also a need to adjust the monetary awards due in favor of the victim's heirs to ₱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 of which shall earn legal interest at the rate of six percent (6%) per annum from the date of finality of this Resolution until full payment.


WHEREFORE, the Court **ADOPTS** the findings of fact and conclusions of law in the Decision⁹ dated July 26, 2018 of the CA in CA-G.R. CR-HC No. 09247 and **AFFIRMS with MODIFICATION** said Decision finding accused-appellant Rolando Samson Ambrocio, Jr. **GUILTY** beyond reasonable doubt of the crime of Murder, as defined and penalized under Article 248 of the Revised Penal Code. Accordingly, he is sentenced to suffer the penalty of *reclusion perpetua*, and to indemnify the heirs of Hanna M. Lope in the amounts of ₱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 of which shall earn legal interest at the rate of six percent (6%) per annum from the date of finality of this Resolution until full payment.

SO ORDERED. (Lopez, J., J., designated additional member per Special Order No. 2822 dated April 7, 2021)."

By authority of the Court:

TERESITA AQUINO TUAZON
Division Clerk of Court

By:


MA. CONSOLACION GAMINDE-CRUZADA
Deputy Division Clerk of Court *by s/r*
27 MAY 2021

⁵ *Rollo*, p. 5.

⁶ See *People v. Jugueta*, 783 Phil. 806, 819 (2016).

⁷ See A.M. No. 15-08-02-SC entitled 'GUIDELINES FOR THE PROPER USE OF THE PHRASE 'WITHOUT ELIGIBILITY FOR PAROLE' IN INDIVISIBLE PENALTIES,' (August 4, 2015).

⁸ *People v. Jugueta*, supra note 6.

⁹ *Rollo*, pp. 4-37. Penned by Associate Justice Rafael Antonio M. Santos with Associate Justices Apolinario D. Bruselas, Jr. and Germano Francisco D. Legaspi, concurring.

*OFFICE OF THE SOLICITOR GENERAL (reg)
134 Amorsolo Street
1229 Legaspi Village
Makati City

*PUBLIC ATTORNEY'S OFFICE (reg)
Special & Appealed Cases Service
Department of Justice
5th Floor, PAO-DOJ Agencies Building
NIA Road corner East Avenue
Diliman, 1104 Quezon City

*ROLANDO SAMSON AMBROCIO, JR. (reg)
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 18
Malolos City, Bulacan
(Crim. Case No. 936-M-2009)

JUDGMENT DIVISION (x)
Supreme Court, Manila

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Supreme Court, Manila

COURT OF APPEALS (x)
Ma. Orosa Street
Ermita, 1000 Manila
CA-G.R. CR-H.C. No. 09247

*with copy of CA Decision dated 26 July 2018
Please notify the Court of any change in your address.
GR254377. 5/10/2021(171)URES

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