



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated August 10, 2022, which reads as follows:

“G.R. No. 259199 (*Jeffrey F. Roxas v. People of the Philippines*). — After a judicious review of the records of the case at bar, this Court resolves to **DENY** the instant Petition for Review on *Certiorari* for failure of petitioner Jeffrey Roxas y Fernandez to sufficiently show that the Court of Appeals committed reversible error in upholding his conviction for reckless imprudence resulting in homicide.

Under Art. 365 of the Revised Penal Code (RPC), when, by imprudence or negligence and with violation of the Automobile Law, the death of a person shall be caused, in which case the defendant shall be punished by *prisión correccional* in its medium and maximum periods. Further, it states that failure to render aid on the spot to the injured party is considered an aggravating circumstance resulting in the imposition of the penalty “next higher in degree to those provided for” in Art. 365.

As discussed by the CA, respondent’s reckless imprudence in operating a motor vehicle caused the death of the victim. Thus, the penalty should be *prision correccional* medium and maximum, or two years, four months, and one day to six years. The CA likewise considered the aggravating circumstance of failure to render on-the-spot aid to the victim, thus, increasing the penalty to *prision mayor* minimum and medium, or six years and one day to 10 years.

Meanwhile, the Indeterminate Sentence Law (ISL) provides that the maximum penalty shall be that which may be imposed in view of the attending circumstances, and the minimum penalty shall not be less than the minimum of the penalty next lower to that prescribed for the offense.

Following the ISL, the penalty next lower to that prescribed by the RPC is *prision correccional* in its medium and maximum period, ranging

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from two years, four months and one day to six years.

The penalty imposed by the RTC, as affirmed by the CA, is an indeterminate penalty of four years and one day of *prision correccional* in its medium period as minimum, to 10 years of *prision mayor* in its medium period as maximum.

We find, however, the necessity to modify the maximum penalty imposed by the lower courts as the same must still conform to Article 65,¹ in relation to Article 64 of the RPC. As it does not appear that any other modifying circumstances was present, apart from failure to render aid which already increased the penalty to a higher one, the maximum of the indeterminate penalty should be taken from the medium period of *prision mayor* in its minimum and medium periods with a range of seven years, four months and one day to eight years and eight months. Thus, We modify the maximum penalty to eight years and eight months.

Further, there is likewise a need to modify the damages awarded in line with prevailing jurisprudence. Pursuant to *People v. Jugueta*,² in cases of reckless imprudence resulting to homicide, the victim's heirs are also entitled to civil indemnity of ₱50,000.00. Further, given that the aggravating circumstance of failure to render aid to the victim was duly established at trial, petitioner is also ordered to pay ₱50,000.00 as exemplary damages.

Finally, the awards for actual damages and moral damages in the amounts of ₱350,000.00 and ₱50,000.00, respectively, and the imposition of legal interest at the rate of 6% *per annum* on the total monetary awards, reckoned from finality until fully satisfied, are affirmed.

WHEREFORE, the petition is hereby **DENIED**. The Decision dated 20 December 2019 and Resolution dated 22 October 2021 in CA-G.R. CEB CR. No. 03165 finding petitioner Jeffrey F. Roxas **GUILTY** of Reckless Imprudence Resulting in Homicide is **AFFIRMED with MODIFICATION**. Petitioner is hereby sentenced to suffer the indeterminate penalty of imprisonment ranging from four years and one day of *prision correccional* in its medium period as minimum, to eight years and eight months of *prision mayor* in its minimum and medium periods as maximum. Likewise, petitioner is **ORDERED** to pay the heirs of the victim ₱50,000.00 as civil indemnity and ₱50,000.00 as exemplary damages. All monetary awards shall earn legal interest of six percent (6%) *per annum* from the date of finality of this Resolution until fully paid.

¹ Art. 65. Rule in cases in which the penalty is not composed of three periods. — In cases in which the penalty prescribed by law is not composed of three periods, the courts shall apply the rules contained in the foregoing articles, dividing into three equal portions of time included in the penalty prescribed, and forming one period of each of the three portions. chanrobles virtual law library

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

The Cash Collection and Disbursement Division is directed to **RETURN** to petitioner the excess payment for the legal fees in the amount of ₱170.00 under O.R. No. 326293-SC-EP dated November 16, 2017.

SO ORDERED.”

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court
11/16

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court

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SEP 27 2022

POTATO & POTATO LAW OFFICES
Counsel for Petitioner
2nd Floor, Buyco Building
McKinley Street, 5800 Roxas City

Court of Appeals
6000 Cebu City
(CA-G.R. CR No. 03165)

The Solicitor General
134 Amorsolo Street, Legaspi Village
1229 Makati City

The Hon. Presiding Judge
Regional Trial Court, Branch 19
5800 Roxas City
(Crim. Case No. C-55-08)

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