



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **September 19, 2022** which reads as follows:*

G.R. No. 228263 (*People of the Philippines, plaintiff-appellee v. Jomar (Infante) Sonza, accused-appellant*) — **Jomar Sonza** (accused-appellant) filed a Motion for Reconsideration¹ assailing the Resolution dated July 17, 2017 of the Supreme Court which modified his civil liability in Criminal Case No. 00-2496(M) to: (1) ₱75,000.00 each as civil indemnity, moral damages, and exemplary damages; and (2) ₱30,000.00 as actual damages; and in Criminal Case No. 00-2604(M) to: (1) ₱50,000.00 each as civil indemnity, moral damages, and exemplary damages; and (2) ₱25,000.00 as temperate damages in lieu of actual damages.

Antecedents

On November 13, 1999, Alex Mendoza (Alex), Ramon Jimenez, Jr. (Ramon), Roberto Monserrat (Roberto), Rolly Flores (Rolly), Resting Cunanan (Resting) and Guiden Vicente (Guiden), among others, were attending a birthday party in San Nicolas, Masantol, Pampanga. They were having a drinking spree when accused-appellant, a neighbor who was not invited to the birthday celebration, suddenly fired an air gun near the area. Alex accosted him for his action. Accused-appellant got angry and went back to his own house. After a few minutes, accused-appellant came back with a knife and stabbed Ramon in his back. He then stabbed Alex in the chest four (4) times. Ramon and Alex were rushed to the hospital. Alex died a few hours later while Ramon survived and was confined in the hospital for several days.²

Accused-appellant was charged with murder for killing Alex and frustrated murder for stabbing Ramon. On arraignment, he pleaded not guilty. He claimed self-defense.³

¹ *Rollo*, p. 55.

² *Id.* at 3-7.

³ *Id.* at p. 3.

Ruling of the Regional Trial Court and the Court of Appeals

By Decision⁴ dated August 6, 2014, the trial court found accused-appellant guilty as charged. It found that accused-appellant failed to prove his plea of self-defense. It held that there was no unlawful aggression on the part of the victims and, even assuming that there was, there was still no reasonable necessity of the means employed by accused-appellant to repel it. It gave credence to the testimonies of prosecution witnesses Emilio Hernandez, Roberto, and Ramon for being consistent as it positively narrated the essential details on how accused-appellant committed the crime.

For the crime of murder, accused-appellant was sentenced to suffer the penalty of *reclusion perpetua* and was ordered to pay the heirs of Alex (1) ₱50,000.00 as civil indemnity; (2) ₱50,000.00 as moral damages; (3) ₱30,000.00 as actual damages; and (4) ₱50,000.00 as exemplary damages.

For the crime of frustrated murder, accused-appellant was sentenced to suffer imprisonment of eight (8) years and one (1) day of *prision mayor*, as minimum to fourteen (14) years, eight (8) months and one (1) day of *reclusion temporal*, as maximum and was ordered to pay Ramon (1) ₱40,000.00 as moral damages; (2) ₱25,000.00 as temperate damages, and (3) ₱20,000.00 as exemplary damages.

On appeal, the Court of Appeals affirmed the Decision of the trial court.⁵

The Supreme Court's Action on the Appeal

The Court resolved to dismiss the appeal for failure to sufficiently show that the Court of Appeals committed any reversible error in upholding the conviction of the accused-appellant for murder and frustrated murder.⁶

It, however, modified the penalties imposed to conform to *People v. Jugueta (Jugueta)*.⁷ In Criminal Case No. 00-2496(M) (murder), he is ordered to pay the heirs of Alex: (1) ₱75,000.00 each as civil indemnity, moral damages, and exemplary damages; and (2) ₱30,000.00 as actual damages. In Criminal Case No. 00-2604(M) (frustrated murder), he is ordered to pay Ramon: (1) ₱50,000.00 each as civil indemnity, moral damages, and exemplary damages; and (2) ₱25,000.00 as temperate damages in lieu of actual damages. All damages awarded shall earn interest at the legal rate of six percent (6%) *per annum* from the date of finality of this judgment until fully paid.

⁴ Id. at 5-6.

⁵ Id. at 3.

⁶ Id. at 52.

⁷ 783 Phil. 806, 846 (2016).

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The Accused-appellant's Motion for Partial Reconsideration

The accused-appellant now prays anew for his acquittal.⁸

Ruling

Accused-appellant did not raise new arguments on his motion for reconsideration which would compel the Court to reverse the denial of his appeal.

The Court, however, must once again modify the accused-appellant's civil liability. In *Jugueta*,⁹ the Court ruled that where the crime of murder or frustrated murder is committed, temperate damages, in lieu of actual damages, shall be in the amount of ₱50,000.00. Also, in *People v. Oliva (Olivia)*,¹⁰ the Court ruled that:

"x x x when actual damages proven by receipts during the trial amount to less than the sum allowed by the Court as temperate damages, the award of temperate damages is justified in lieu of actual damages which are of a lesser amount. Conversely, if the amount of actual damages proven exceeds, then temperate damages may no longer be awarded; actual damages based on the receipts presented during trial should instead be granted. The rationale for this rule is that it would be anomalous and unfair for the victim's heirs, who tried and succeeded in presenting receipts and other evidence to prove actual damages, to receive an amount which is less than that given as temperate damages to those who are not able to present any evidence at all. x x x"

Thus, following *Jugueta* and *Oliva*, in Criminal Case No. 00-2496(M) (murder), the award of ₱30,000.00 as actual damages is deleted, being less than the sum allowed by the Court as temperate damages. In lieu of actual damages, the amount of ₱50,000.00 as temperate damages is awarded to the heirs of Alex. In Criminal Case No. 00-2604(M) (frustrated murder), the award of ₱25,000.00 as temperate damages awarded to Ramon is increased to ₱50,000.00.

FOR THESE REASONS, the motion for reconsideration is **DENIED WITH FINALITY**. The Resolution dated July 17, 2017 of the Supreme Court in G.R. No. 228263 is **AFFIRMED** with **MODIFICATION**.

In Criminal Case No. 00-2496(M), accused-appellant **Jomar Sonza** is **GUILTY** of **murder** and sentenced to suffer the penalty of *reclusion perpetua*. He is ordered to pay the heirs of Alex Mendoza ₱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 in lieu of actual damages. In Criminal Case No. 00-2604(M), accused-appellant is **GUILTY** of **frustrated murder**

⁸ *Rollo*, p. 55.

⁹ 783 Phil. 806, 846 (2016).

¹⁰ G.R. No. 237811 (Resolution), January 10, 2019.

and sentenced to suffer imprisonment of eight (8) years and one (1) day of *prision mayor*, as minimum to fourteen (14) years, eight (8) months and one (1) day of *reclusion temporal*, as maximum. He is ordered to pay Ramon Jimenez, Jr., ₱50,000.00 as civil indemnity, ₱50,000.00 as moral damages, ₱50,000.00 as exemplary damages; and ₱50,000.00 as temperate damages in lieu of actual damages. These amounts shall earn six percent (6%) interest *per annum* from finality of this Resolution until fully paid.

Let an entry of final judgment immediately issue. No further pleadings or motions shall be entertained.

SO ORDERED. (Lopez, M. V., J., on official business.)

By authority of the Court:

TERESITA AQUINO TUAZON
Division Clerk of Court

By:



MA. CONSOLACION GAMINDE-CRUZADA
Deputy Division Clerk of Court ^{mm 7/2}
05 JUL 2023

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

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

JOMAR (INFANTE) SONZA (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 55
Macabebe, 2018 Pampanga
(Crim. Case No. 00-2496(M))

JUDGMENT DIVISION (x)
Supreme Court, Manila

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OFFICE OF THE CHIEF ATTORNEY (x)
PHILIPPINE JUDICIAL ACADEMY (x)
Supreme Court, Manila

COURT OF APPEALS (x)
Ma. Orosa Street
Ermita, 1000 Manila
CA-G.R. CR-HC No. 07085

Please notify the Court of any change in your address.
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