



Republic of the Philippines  
Supreme Court  
Manila

\* CORRECTED COPY

THIRD DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated August 4, 2021, which reads as follows:*

**“G.R. No. 251921 (People of the Philippines, Plaintiff-Appellee, v. Lobriquito Paragatos, Jr. y Borden, Accused-Appellant.)** – This Court resolves an appeal<sup>1</sup> seeking to reverse and set aside the Decision<sup>2</sup> dated 27 November 2019 of the Court of Appeals (CA) in CA-G.R. CR HC No. 02504. The CA affirmed with modification the Decision<sup>3</sup> dated 19 January 2017 of Branch 41, Regional Trial Court (RTC) of Gandara, Samar in Criminal Case No. 12-0526, finding accused-appellant Lobriquito Paragatos, Jr. y Borden (accused-appellant) guilty beyond reasonable doubt for the crime of Murder.

**Antecedents**

On 13 December 2011, an Information against accused-appellant for Murder was filed,<sup>4</sup> the accusatory portion of which reads:

That on or about the 6<sup>th</sup> day of September, 2011 at about 9:00 o'clock in the morning of Barangay Buenavista, Municipality of San Jorge, Province of Samar, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with a round timber and a bolo locally known as “sundang”, without justifiable reason and with deliberate intent to kill, with evident premeditation which qualify [*sic*] the offense to Murder, did then and there willfully, unlawfully, and feloniously attack, assault, struck, and stab one JOEY ABARRACOSO with the use of the said round timber and a bolo, which the accused had conveniently provided himself for the purpose, thereby hitting and inflicting upon the victim Joey Abarracoso serious and mortal stabbing wounds on the different parts of his body which were the direct and

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<sup>1</sup> *Rollo*, pp. 15-16.

<sup>2</sup> *Id.* at 5-14; penned by Associate Justice Pamela Ann Abella Maxino and concurred in by Associate Justices Dorothy P. Montejo-Gonzaga and Alfredo D. Ampuan of the Special Twentieth (20<sup>th</sup>) Division, Court of Appeals, Cebu City.

<sup>3</sup> *CA rollo*, pp. 61–69; penned by Presiding Judge Feliciano P. Aguilar.

<sup>4</sup> *Rollo*, p. 6.

\* *Page 1, 1<sup>st</sup> par., line 4 and dispositive portion 1<sup>st</sup> par., 2<sup>nd</sup> line The Docket number in CA is CA-G.R. CR HC No. 02504 not (CA-G.R. HC No. 02504).*

**WHEREFORE**, the appeal is **PARTIALLY GRANTED**. The Decision dated 27 November 2019 of the Court of Appeals in CA-G.R. CR HC No. 02504 is **MODIFIED**. Accused-appellant Lobriquito Paragatos, Jr. y Borden is found **GUILTY** beyond reasonable doubt of the crime of Homicide under Article 249 of the Revised Penal Code. He is hereby **SENTENCED** to suffer the indeterminate penalty of imprisonment of eight (8) years and one (1) day of *prision mayor*, as minimum, to seventeen (17) years and four (4) months of *reclusion temporal*, as maximum.

Accused-appellant is likewise **ORDERED** to pay the heirs of Joey Abarracoso Php50,000.00 as civil indemnity and Php50,000.00 as moral damages. All monetary awards shall earn legal interest at the legal rate of six percent (6%) *per annum*<sup>101</sup> from the date of finality of this Resolution until fully paid.

**SO ORDERED.**" (Lopez, J., additional member per Special Order No. 2834 dated July 15, 2021.)

By authority of the Court:

*Misael Domingo C. Battung III*  
**MISAELO DOMINGO C. BATTUNG III**  
Division Clerk of Court *rbals*

PUBLIC ATTORNEY'S OFFICE  
Regional Special & Appealed Cases Unit  
3rd Floor, Taft Commercial Center  
Metro Colon, Carpark, Osmeña Boulevard  
Brgy. Kalubihan, 6000 Cebu City

Mr. Lobriquito Paragatos, Jr. y Borden  
c/o The Superintendent  
LEYTE REGIONAL PRISON  
Barangay Mahagna, Abuyog  
6510 Leyte

COURT OF APPEALS  
CA G.R. CR HC No. 02504  
6000 Cebu City

PHILIPPINE JUDICIAL ACADEMY  
Research Publications and Linkages Office  
Supreme Court, Manila  
[research\_philja@yahoo.com]

OFFICE OF THE SOLICITOR GENERAL  
134 Amorsolo Street  
Legaspi Village, 1229 Makati City

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Supreme Court, Manila  
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The Presiding Judge  
REGIONAL TRIAL COURT  
Branch 41, Gandara  
6706 Western Samar

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LEYTE REGIONAL PRISON  
Barangay Mahagna, Abuyog  
6510 Leyte

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<sup>101</sup> *Nacar v. Gallery Frames*, 716 Phil. 267 (2013) [Per J. Peralta].