

Republic of the Philippines
11th Judicial Region
Regional Trial Court
Branch 57
Mabini, Compostela Valley



The People of the Philippines,
Plaintiff,

CRIM. CASE NO. 359-2018

-versus-

-for-

ANTONIO BAGULOS SAMPANI,
SALVADOR DELA CRUZ, and JOHN DOE,
Accused.

M U R D E R

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ORDER

In today's Initial Presentation of Evidence for the Prosecution, Prosecutor Rucel C. Cayetano appeared for the state while Atty. Mito Shiela P. Evangelista appeared for accused, Antonio Bagulos Sampani, and Salvador Dela Cruz.

Today's incident is for sentencing of accused, Antonio Bagulos Sampani who pleaded guilty to homicide during the previous setting. Likewise, with respect to accused, Salvador Dela Cruz, who was already forgiven by the Private Complainant, this hearing was set for the presentation of evidence for the prosecution.

The Private Complainant, Carmelina A. Hinayon stood *part* in her decision to desist from further prosecuting her claim against accused, Salvador Dela Cruz.

Private Complainant, Carmelina A. Hinayon who earlier manifested during the previous setting that she has already forgiven the accused, Salvador Dela Cruz, is not in court today.

The prosecution when ask if it can present any other witnesses today, manifested that they have no witnesses to present today.

Considering that Private Complainant, Carmelina A. Hinayon, already manifested her hostility in further prosecuting this case, the prosecution can no longer prove the elements of the crime charged against accused, Salvador Dela Cruz without the active participation of the Private Complainant. *my*

In view thereof, this case is hereby **dismissed** against accused, **Salvador Dela Cruz**.

With respect to accused, Antonio Bagulos Sampani who earlier pleaded guilty to homicide, the court finds him guilty of homicide beyond reasonable doubt by his own voluntary plea of guilt.

The court likewise considered the mitigating circumstance of voluntary surrender.

Applying the indeterminate sentence law, accused, **Antonio Bagulos Sampani**, is hereby **sentenced** to suffer the penalty of six (6) years and one (1) day of prision mayor as minimum to twelve (12) years and one (1) day of reclusion temporal minimum as maximum with moral damages in the amount of Fifty Thousand Pesos (Php50,000.00), actual damages in the amount of Fifty Thousand Pesos (Php50,000.00), and exemplary damages in the amount of Fifty Thousand Pesos (Php50,000.00).

The Jail Warden of Provincial Rehabilitation Centre (PRC) is directed to release accused, **Salvador Dela Cruz** from detention unless he is being detained for some other lawful cause.

SO ORDERED.

Given in open Court this 12th day of FEBRUARY 2019 at Mabini, Compostela Valley Province, Philippines.


CELESTIAL V. ARANDA-GONZALES
Presiding Judge