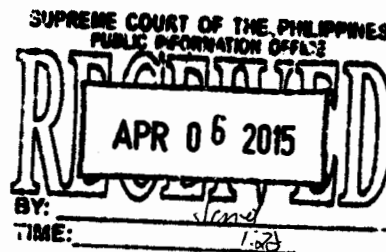




Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE



Sirs/Mesdames:



*Please take notice that the Court, First Division, issued a Resolution dated **March 11, 2015** which reads as follows:*

**“G.R. No. 215648 (Jerson Juyad y Engaño v. People of the Philippines).** - After a judicious perusal of the records, the Court resolves to **DENY** the instant petition and **AFFIRM** the July 9, 2014 Decision<sup>1</sup> and November 28, 2014 Resolution<sup>2</sup> of the Court of Appeals (CA) in CA-G.R. CR No. 35668 for failure of Jerson Juyad y Engaño (petitioner) to show that the CA committed any reversible error in affirming his conviction for frustrated murder punishable under Article 248 of the Revised Penal Code (RPC).

As correctly held by the CA, the element of unlawful aggression must first be proven in order for a plea of self-defense to prosper. However, records are bereft of evidence showing that Norberto Aguanta Oscares (Oscares) assaulted or at least threatened to inflict real injury upon petitioner, as in fact, the former was unarmed and the attack of petitioner was sudden and unexpected rendering Oscares completely defenseless.<sup>3</sup> Consequently, petitioner’s conviction was properly upheld.

**SO ORDERED.”**

Very truly yours,

  
**LIBRADA C. BUENA**  
Deputy Division Clerk of Court   
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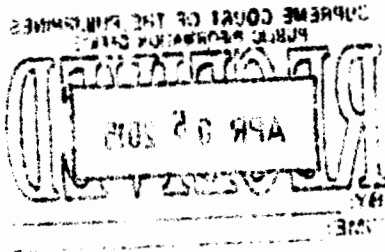
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<sup>1</sup> Rollo, pp. 30-49. Penned by Associate Justice Amy C. Lazaro-Javier with Associate Justices Mariflor P. Punzalan Castillo and Zenaida T. Galapate-Laguilles, concurring.

<sup>2</sup> Id. at 51.

<sup>3</sup> *Guevarra v. People*, G.R. No. 170462, February 5, 2014.

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Court of Appeals (x)  
Manila  
(CA-G.R. CR No. 35668)

The Solicitor General (x)  
Makati City

The Hon. Presiding Judge  
Regional Trial Court, Br. 76  
San Mateo 1850 Rizal  
(Crim. Case No. 10877)

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