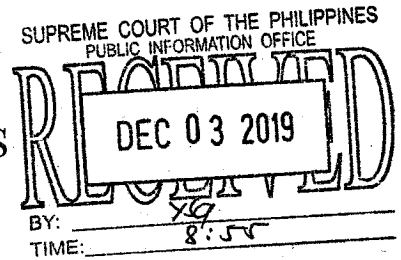




REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila



SECOND DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated **11 November 2019** which reads as follows:

G.R. No. 241783 (People of the Philippines v. Jason Ivler y Aguilar)

After a judicious study of the case, the Court resolves to **DISMISS** the appeal¹ for failure to sufficiently show that the Court of Appeals (CA) committed any reversible error in the assailed Decision as to warrant the exercise of the Court's appellate jurisdiction. However, in light of prevailing jurisprudence, particularly *People v. Jugueta*,² the Court deems it proper to adjust the award of damages in favor of the heirs of Renato A. Ebarle, Jr. (Ebarle).

WHEREFORE, the Court **ADOPTS** the findings of fact and conclusions of law in the November 28, 2017 Decision³ of the CA in CA-G.R. CR-HC No. 08092 and **AFFIRMS with MODIFICATION** said Decision finding accused-appellant Jason Ivler y Aguilar **GUILTY** beyond reasonable doubt of the crime of Murder, defined and penalized under Article 248 of the Revised Penal Code. Accordingly, he is sentenced to suffer the penalty of *reclusion perpetua* and to pay the heirs of Ebarle the following amounts: (a) ₱75,000.00 as civil indemnity; (b) ₱75,000.00 as moral damages; (c) ₱75,000.00 as exemplary damages; (d) ₱616,590.00 as actual damages;⁴ (e) ₱9,124,206.00 as compensation for loss of earning capacity;⁵ and (f) the cost of suit. Moreover, all monetary awards shall earn an interest at the legal rate of six percent (6%) per annum from the date of finality of this Resolution until full payment.

¹ See Notice of Appeal dated July 24, 2018; *rollo*, pp. 34-36.

² 783 Phil. 806, 848 (2016).

³ *Rollo*, pp. 2-33. Penned by Associate Justice Ramon A. Cruz with Associate Justices Ricardo R. Rosario and Pablito A. Perez, concurring.

⁴ The burial expenses were supported by receipts; see *id.* at 27-28.

⁵ Based from the formula laid down in the case of *People v. Wahiman*, G.R. No. 200942, June 16, 2015 (760 Phil. 368, 377 [2015].) the computation of the loss of earning capacity should be as follows:

$$\begin{aligned} \text{Net Earning Capacity} &= \text{life expectancy} \times [\text{gross annual income} - \text{living expenses}] \\ &= 2/3 [80 - \text{age at time of death}] \times [\text{gross annual income} - 50\% \text{ of} \\ &\quad \text{gross annual income}] \end{aligned}$$

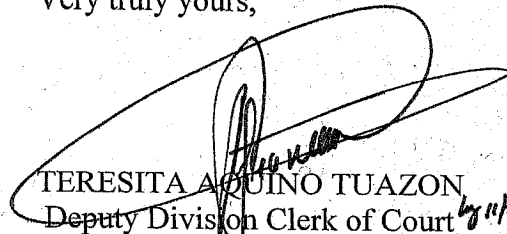
In the present case, it is settled that Ebarle was only 27 years old at the time of his death and was earning ₱43,448.40 a month. (See Records, p. 1378).

Thus, $2/3 [80-27] \times [43,448.40 \times 12 - 50\%] = ₱9,210,191.83$.

Ru/np

SO ORDERED. (INTING, J., on official leave. ZALAMEDA, J., designated as Additional Member per Special Order No. 2727 dated October 25, 2019.)²

Very truly yours,


 TERESITA AQUINO TUAZON
 Deputy Division Clerk of Court
 26 NOV 2019

*ATTY. EDWARDSON L. ONG (reg)
 Counsel for Accused-Appellant
 3F Vernida IV Bldg.
 128 LP Leviste St.
 Salcedo Village, Makati City

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

*JASON IVLER y AGUILAR (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 84
 1100 Quezon City
 (Crim. Case No. Q-09-162215)

JUDGMENT DIVISION (x)
 Supreme Court, Manila

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COURT OF APPEALS (x)
 Ma. Orosa Street
 Ermita, 1000 Manila
 CA-G.R. CR-HC No. 08092

*with copy of the CA Decision dated 28 November 2017
Please notify the Court of any change in your address.
 GR241783. 11/11/2019A(46)URES