



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **26 August 2020** which reads as follows:*

“G.R. No. 251764 - (Jessie Davan y Morales alias “Boyboy” v. People of the Philippines) – This is a petition for review on *certiorari* under Rule 45 of the Rules of Court assailing the November 29, 2019 Decision¹ of the Court of Appeals (CA) in CA-G.R. CR-HC No. 02829. The CA affirmed the January 5, 2018 Decision² of the Regional Trial Court (RTC), Branch 22 of Laoang, Northern Samar, which found petitioner Jessie Davan y Morales (Davan) guilty beyond reasonable doubt of the crime of Murder.

We have cautiously studied the case and resolved to **DENY** the instant petition for failing to show any reversible error in the assailed CA Decision as to warrant this Court's discretionary appellate jurisdiction. Moreover, the petition was filed beyond the reglementary period and suffers from technical infirmities because it lacks proof of service to the appellate court, and verification and certification against forum shopping.

Nonetheless, the Court modifies the monetary awards pursuant to *People v. Jugueta*.³ The heirs of the victim are entitled to receive the following: civil indemnity in the amount of ₱75,000.00; moral damages in the amount of ₱75,000.00; exemplary damages in the amount of ₱75,000.00; and temperate damages in the amount of ₱50,000.00, in lieu of actual damages. All these monetary awards shall earn interest at the rate of six percent (6%) per *annum* from date of finality of this Resolution until fully paid.

¹ Rollo, pp. 40-55; penned by Associate Justice Alfredo D. Ampuan and concurred in by Associate Justices Edgardo L. Delos Santos (now a member of this Court) and Marilyn B. Lagura-Yap.

² Id. at 27-39.

³ 783 Phil. 806 (2016).

Petitioner Davan's Motion to Admit Petition for Review is **GRANTED**.

WHEREFORE, the Petition for Review is **DENIED**. The November 29, 2019 Decision of the Court of Appeals in CA-G.R. CR-HC No. 02829 is **AFFIRMED with MODIFICATION**. Petitioner Jessie Davan y Morales is found **GUILTY** beyond reasonable doubt of the crime of Murder and is hereby sentenced to suffer the penalty of *reclusion perpetua*.

Jessie Davan y Morales is also **ORDERED** to pay the heirs of Nestor Espiña y Dula the following monetary awards: (1) ₱75,000.00 as civil indemnity; (2) ₱75,000.00 as moral damages; (3) ₱75,000.00 as exemplary damages; and (4) ₱50,000.00 as temperate damages. The amounts awarded shall earn an interest of six percent (6%) per *annum* from the date of finality of this Resolution until the full satisfaction thereof.

SO ORDERED." (Javier, J., designated additional member per Raffle dated July 6, 2020 *vice* Delos Santos, J., who concurred in the assailed Decision of the Court of Appeals; Baltazar-Padilla, J., on official leave)

By authority of the Court:


TERESITA AQUINO TUAZON
Deputy Division Clerk of Court
10 SEP 2020 p. 9/8

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HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 22
Laoang, Northern Samar
(Crim. Case No. 4424)

COURT OF APPEALS (reg)
Visayas Station
Cebu City
CA-G.R. CR-HC No. 02829

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Supreme Court, Manila

*with copy of CA Decision dated 29 November 2019.
Please notify the Court of any change in your address.
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