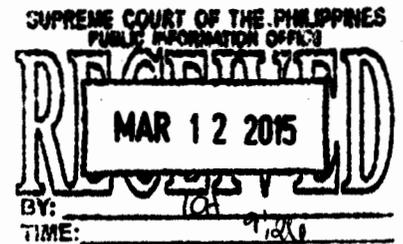




REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE



Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated **25 February 2015** which reads as follows:

G.R. No. 216037 – *Sps. Ero and Belen Terencio and Avelino Alde, petitioners v. Lauro Ignacio, respondent.*

After a careful review of the records of the case, the Court finds no reversible error in the assailed Decision. The deletion of the award of actual damages is proper since credence can be given only to claims which are supported by receipts.¹ The addition of ₱150,000.00 as temperate damages is warranted. It will be a travesty of justice to hold that the Court of Appeals is bereft of discretion to calculate temperate damages, and thereby leave Lauro Ignacio without redress from the wrongful act of spouses Ero and Belen Terencio and their driver, Avelino Alde.²

However, the Court must delete the award for unrealized income. Indemnity for loss of earning capacity cannot be awarded in the absence of documentary evidence except where the victim was either self-employed or a daily wage worker earning less than the minimum wage under current labor laws.³ Here, the award was based solely on the testimony of a witness for the prosecution that Ignacio was earning more than ₱3,000.00 a month. There was also no evidence that he was self-employed or earning less than the minimum wage at the time of the vehicular accident.

The Court also imposes legal interest of 6% *per annum* that accrues on the amounts of damages finally adjudged and shall run from February 16, 2006, the date the Regional Trial Court rendered its Decision until its full satisfaction.⁴

WHEREFORE, the Court **ADOPTS** the findings of fact and conclusions of law in the Decision dated May 29, 2014 of the Court of Appeals in CA-G.R. CV No. 01516, and **AFFIRMS** said Decision with the **MODIFICATIONS** that the award for unrealized income is **DELETED** and that the awards of damages shall earn interest at 6% *per annum* from February 16, 2006 until full payment. (*J. Velasco, Jr., designated Acting Member in view of the leave of absence of J. Brion, per Special Order No. 1910 dated January 12, 2015*).

SO ORDERED.

Very truly yours,


MA. LOURDES C. PERFECTO
Division Clerk of Court

¹ *Viron Transportation Company, Inc. v. Delos Santos*, 399 Phil. 243, 255 (2000).

² *Philtranco Service Enterprises, Inc. v. Paras*, G.R. No. 161909, April 25, 2012, 672 SCRA 24, 43.

³ *People v. Mamamruncas*, G.R. No. 179497, January 25, 2012, 664 SCRA 182, 202.

⁴ *Nacar v. Gallery Frames*, G.R. No. 189871, August 13, 2013, 703 SCRA 439, 456-458.

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ATTYS. MODESTO I. CAÑONERO, ROGER A. TRANQUILO AND
EDSEL L. JANELO (reg)
Counsels for Petitioners
Room 15, JS Finance Building
Lacson Galo Streets, Bacolod City

ATTY. MANUEL LAO ONG (reg)
Counsel for Respondent
Suite No. 11, 2nd Floor, Victorina Arcade
Rizal-Gatuslao Streets, Bacolod City

HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 46
Bacolod City
Civil Case No. 98-10545

COURT OF APPEALS (reg)
Visayas Station
Cebu City
CA-G.R. CV No. 01516

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GR216037. 02/25/15 (19)SR 