

UNIVERSITY OF SOUTHEASTERN PHILIPPINES, REPRESENTED BY ITS PRESIDENT, DR. ROMULO DEQUITO; DR. MARIE ROSE ESCALADA; DR. GILBERT GORDO; PROFESSOR CATHERINE ROBLE; AND MS. EMMA GOB...

G.R. No. 247617, November 25, 2025

Ponente: LEONEN, SAJ.

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LEONEN, SAJ.:

A wife who loses a husband is called a widow.

A husband who loses a wife is called a widower.

A child who loses his parents is called an orphan.

There is no word for a parent who loses a child.

That's how awful the loss is.[1]

The profound emotional devastation of parents when they are forced to bury their child is unimaginable. The death of a child can shatter a parent's understanding of the world. In part, this disruption stems from the violation of the natural order, as parents anticipate that their children will outlive them, not the other way around. Consequently, the death of a child is often viewed by grieving parents as both unnatural and unfathomable.[2]

"The tragedy of child death has not been lost [in our] courts – the place parents may turn [to] if their child is killed due to a tort."[3]

This Court resolves a Petition for Review on Certiorari[4] filed by the University of Southeastern Philippines (University), represented by its president, Dr. Romulo Dequito (Dequito), Dr. Marie Rose Escalada (Escalada), Dr. Gilbert Gordo (Gordo), Professor Catherine Roble (Roble), and Ms. Emma Gobantes (Gobantes; collectively, University et al.), assailing the Court of Appeals' Decision[5] which set aside the Regional Trial Court Order[6] and reinstated the Regional Trial Court Decision[7] finding University et al. jointly and severally liable for damages for the death of Cheryl Sarate (Cheryl).[8]

On July 20, 2006, the Guild of English Students (Guild), a recognized student organization in the University, organized a beauty pageant in the University's social hall.[9]

The organizers installed a T-shaped ramp lined with 12 small, lit candles in brown paper bags filled with damp soil. Each paper bag was tied with crepe paper, and the opening of the bags were structured like crowns to resemble a lantern. Some of the social hall's lights were switched off to highlight the candlelight.[10]

Cheryl was the fourth candidate to walk for the pageant. She wore a snow fairy ensemble made of cotton balls glued to plastic cellophane typically used to cover books. The lower skirt was on a tie-wire to create a petticoat design. Its hem was covered with small feathers. Her tube blouse was covered with rolled cotton flattened to her chest. The top of her blouse was attached to a tie-wire. She held a rattan scepter and wore a butterfly headdress.[11]

Cheryl was standing on the leftmost side of the T-shaped ramp when her gown caught fire as she turned to pose. When she turned right to walk to the center ramp, she used her bare hands to ward off the small flames that started to engulf her. On the center ramp, the flames blazed, causing Cheryl to jump over the right side of the hall where the audience sat. She tripped as she screamed for help. Some students tried to help, and the fires were eventually put out.[12]

After the fire, Cheryl was seen topless, wearing only denim short pants. People tried to hug and console her. The ambulance arrived 30 minutes later and brought Cheryl to the hospital. Despite this, the pageant resumed.[13]

The organizers admitted that no faculty member was present to supervise the event, except for those who participated as judges. Students said they had not seen fire extinguishers in the venue, although the University maintained that there were two inside the social hall.[14]

On July 23, 2006, Cheryl died in the hospital due to "cardiac arrest due to septic shock, the antecedent cause is secondary to flame burn 80% total body surface area (TBSA) involving face, neck, anterior chest, back both upper and lower extremities." [15]

Cheryl's parents, Antonio and Rosita Sarate (spouses Sarate), then filed a case for damages against University et al. and the Guild.[16]

After trial, the Regional Trial Court issued its October 7, 2014 Decision[17] finding University et al. jointly and severally liable for the incident.

The Regional Trial Court held that to be liable for damages, it must be shown that the injury was the legitimate consequence of the wrong done, such that the connection between the negligence and the injury is a direct and natural sequence of events, unbroken by intervening efficient causes.[18]

The trial court ruled that as Guild adviser, Roble's negligence in the supervision of the Guild members can be considered the natural, continuous sequence which caused Cheryl's death:

Had the adviser of [the Guild] advised and supervised the members, student-organizers thereof, before and during the event, prudence would have cautioned her to advise them not to use open-flame candles. Or if so, to have made sure that a fire extinguisher or even just a pail of water is near at hand in case of emergency. But there were no such precautions taken and implemented. That is why she is liable.

As what have been discussed above, by signing the rental form for the Social Hall where the event took place, the adviser of the student organization gave tacit consent for the event to push through on said date and on said time. There is thus, a colorable authority from the University, through the [Guild] adviser who is also a member of the faculty who was assigned to the post.[19]

The Regional Trial Court invoked Article 2180[20] of the Civil Code in relation to Articles 218 and 219 of the Family Code, saying that the obligation imposed under Article 2176[21] of the Civil Code is demandable for those of persons for whom one is responsible, and that employers are liable for damages caused by employees acting within the scope of their assigned tasks.

The Regional Trial Court found that for its lack of preparedness for foreseeable emergencies, the University is liable through the following defendants:

- a. Defendant Emma Gobantes is negligent in her capacity as Officer-in-Charge of the Safety and Security of the Social Hall. Her failure to oversee and provide safety measures such as providing fire extinguishers and personnel who know how to use it made her liable
- b. Defendant Romulo Dequito is negligent as Director of Student Services (OSS) and Chief of Security

Services of USEP for his failure to supervise student activity in the campus.

c. Defendant Gilbert [Gordo] as Director of the Corporate Enterprise Development Office (CEDO) is negligent for leasing the premises of the Social Hall without the corresponding safety measures in place.

d. Defendant Rodolfo Sumugat as Vice President for Administration and Officer-in-charge of the University at the time of the incident is negligent for failing to supervise his subordinates' duties.[22]

The dispositive portion of the trial court's Decision reads:

WHEREFORE, premises considered, judgment is hereby rendered in favor of PLAINTIFFS ANTONIO and ROSITA SARATE against DEFENDANT CATHERINE ROBLE and the UNIVERSITY OF SOUTHEASTERN PHILIPPINES, herein represented by ROMULO DEQUITO, GILBERT [GORDO], EMMA GOBANTES and RODULFO SUMUGAT in their official capacities. Defendants are hereby ordered to pay plaintiffs jointly and severally, the following amounts as damages:

- Civil indemnity of fifty thousand pesos ([PHP] 50,000.00) for the death of Cheryl Sarate;
- Exemplary or corrective damages of two hundred thousand pesos ([PHP] 200,000.00);
- Moral damages of five hundred thousand pesos ([PHP] 500,000.00) and
- Attorney's fees equivalent to twenty percent (20%) of the total amount adjudged to the plaintiffs or 20% of seven hundred fifty thousand ([PHP] 750,000.00) pesos.

Lastly pursuant to the Order of this Court which granted Plaintiff's Motion to Litigate as Pauper, the docket fees for this case shall be collected from the favorable judgment approved in their favor.

SO ORDERED.[23]

The University then filed a Motion for Partial Reconsideration, which the Regional Trial Court granted in its December 22, 2014 Order.[24] It absolved the University from liability and declared Roble, as Guild adviser and University faculty member, solely liable for the incident.[25]

Dismayed, spouses Sarate filed an appeal before the Court of Appeals, assailing the Regional Trial Court's December 22, 2014 Order which modified its October 7, 2014 Decision.[26]

The Court of Appeals, in its August 31, 2018 Decision,[27] granted the appeal and reinstated the October 7, 2014 Decision of the Regional Trial Court.

The Court of Appeals held Roble liable based on Article 2176 in relation to the last paragraph of Article 2180 of the Civil Code, finding that: (1) the event was with her consent and knowledge; and (2) she signed the rental form for the social hall.[28] It reasoned that the damage would have been averted or minimized if the Guild had adult supervision. Roble did not review the program before, during, or after the beauty pageant. She did not attend the event. The pageant was left to the discretion of the Guild members, who were lacking in prudence and precaution. Roble failed to make sure that the event would go as planned. Prudence dictated that she check the preparations to prevent untoward incidents during the activity. She could have advised the Guild officers that placing candles on a T-shaped ramp in the social hall posed danger, as the hall had a relatively low ceiling and the contestants were to wear costumes pursuant to the theme of earth, wind, water, and fire.[29]

The Court of Appeals also found the University liable through its administrators and officers-in-charge based on paragraph 4 of Article 2180, since there was collective negligence between them and Roble.[30]

The Court of Appeals held that there was a presumption that the activity was authorized because it was held in the

social hall, within University premises, by a recognized campus organization. Because of this presumption, the University had the burden to prove that the activity was unauthorized.[31] Although the University insisted that the Guild failed to secure approval and permits from the Office of Student Affairs and the College of Arts and Sciences, the Court of Appeals pointed out that the activity still pushed through despite the alleged lack of permit and approval.[32]

The Court of Appeals reasoned further that Articles 218 and 219 of the Family Code would not have applied had the University proved that it exercised proper diligence under the circumstances. However, the Court of Appeals noted that the University had no fire safety measures.[33]

The dispositive portion of the Court of Appeals Decision reads:

WHEREFORE, the instant appeal is GRANTED. The Order of the Regional Trial Court, Branch 11, Davao City, dated December 22, 2014, is SET ASIDE and its Decision dated October 7, 2014, is REINSTATED.

SO ORDERED.[34]

The University filed a Motion for Reconsideration,[35] which the Court of Appeals denied in its May 23, 2019 Resolution.[36]

Hence, University et al. filed a Petition for Review on Certiorari[37] before this Court. University et al. argue that the Court of Appeals erred in holding them liable because there is no evidence to establish that the beauty pageant was an authorized University activity.[38]

In their Comment,[39] spouses Sarate argue that the Petition raises questions of fact, which is beyond the scope of a Rule 45 petition. They stress that the death of Cheryl was the result of a series of negligent acts by University et al. in administering, supervising, and controlling student activities within the premises of the University.[40]

The sole issue for this Court's resolution is whether petitioners University et al. are liable for damages for the death of Cheryl Sarate.

The Petition for Review on Certiorari is denied.

I

At the outset, the appreciation of the sufficiency or insufficiency of the evidence presented by the parties involves a question of fact, which is beyond the scope of a petition for review on certiorari under Rule 45 of the Rules of Court.[41] Here, petitioners contend that there was no evidence to establish their liability for damages over Cheryl's death. This entails a question of fact.

In any case, petitioners are liable under Articles 218 and 219 of the Family Code:

ARTICLE 218. The school, its administrators and teachers, or the individual, entity or institution engaged in child care shall have special parental authority and responsibility over the minor child while under their supervision, instruction or custody.

Authority and responsibility shall apply to all authorized activities whether inside or outside the premises of the school, entity or institution.

ARTICLE 219. Those given the authority and responsibility under the preceding Article shall be principally and solidarily liable for damages caused by the acts or omissions of the unemancipated minor. The parents, judicial guardians or the persons exercising substitute parental authority over said minor shall be subsidiarily liable.

The respective liabilities of those referred to in the preceding paragraph shall not apply if it is proved that they exercised the proper diligence required under the particular circumstances.

All other cases not covered by this and the preceding articles shall be governed by the provisions of the Civil Code on quasi-delicts.

Under Articles 218 and 219 of the Family Code, schools, its administrators, and its teachers have special parental authority and responsibility over minors under their supervision, instruction, or custody, making them principally and solidarily liable for damages caused by acts or omissions of the minor.

From the foregoing, petitioners, being the school, its administrators, and its teachers, have special parental authority and responsibility over the members of the Guild. They are principally and solidarily liable for damages caused by them, and this liability applies to all their authorized activities.

Petitioners attempt to escape liability by arguing that the beauty pageant organized by the Guild was an unauthorized activity. They insist that: (1) the Guild did not have the required permit to hold the event, making it a private affair; and (2) the pageant, which was held on a weekday, violated the school policy to hold extracurricular activities only during weekends.[42]

However, as pointed out by the Court of Appeals, the activity pushed through on campus grounds, inside the social hall, despite the alleged lack of permit and approval:

It is not right for [the University] to easily deny any connection with [the Guild] insisting that the pageant was a private affair especially since the latter is a campus organization, of which the members are the enrolled students of [the University], and the adviser of which is a permanent employee of [the University.]

....

Instead, the inclusion of [the Guild] in the University's Plan of Activities, regardless of the date of its organizational day, as released by the Office of Student Affairs is an admission on the part of [the University] that the club was organized. Corollarily, its activities are also recognized and authorized.

....

The holding of the activity on a date different from the schedule and the fact that it violated the University's policy of holding activities only on weekends does not make the activity illegal or unauthorized, but may only open [petitioner] Roble, as its adviser, liable for administrative sanctions from the school.

....

The question that begs to be asked is how come the students were allowed to use and elaborately decorate the social hall if the same were unauthorized? Surely, there were security guards and other employees of the University, who could have prevented the holding of such activity within the school's premises, were it not authorized.

Furthermore, according to Prof. Romulo Dequito of the Office of Students Services, when he inquired from the guards, whether there was permit for the use of the social hall, the security guards admitted the presence of the permit and were given a copy of the rental agreement.[43]

Petitioners ignored this point and failed to show how this is a reversible error on the part of the Court of Appeals.

The only way for petitioners to escape liability under Article 218 of the Family Code is to show that they "exercised the proper diligence required under the particular circumstances." [44]

However, the Court of Appeals noted the many ways petitioners failed to exercise the diligence required of them.

It was only the students who put out the fire, without help from employees of the University. The University failed to train personnel to conduct first aid, shown by the fact that only students attempted to help Cheryl. Assuming petitioners' claim that there were fire extinguishers at the social hall, the University clearly lacked preparedness to address the emergency. The University failed to sound the fire alarm, and no one used the fire extinguishers the University claims were available. Moreover, all persons who issued affidavits, except for petitioners Dequito and Escalada, maintain that there were no fire extinguishers at the time, contrary to the University's claim.[45]

To further show that petitioners did not observe the necessary diligence, the Court of Appeals also quoted from the investigation report of the Bureau of Fire Protection:

Except for Dequito's statement, there was no mention of any safety policy within [the University]. In fact Roble and Mamocod, both teachers and with long experience with the [University], are unanimous with the observation of the interviewed students that the fire and safety policy of the school is non-existent. The apparent lenience by the school may have caused the accumulation of erroneous practices for which both the students and the faculty took for granted since no untoward incidents occurred until Cheryl Sarate tragically died under very simple circumstances.

It has been observed that in the [University] student handbook as well as in the Constitution and by-laws of the [Guild] and even in the conditions stipulated by the [University] Corporate Enterprise Development Office (CEDO) for the use of the social hall, not a word was mentioned about the life safety of the students.[46]

Articles 2176 and 2180 of the Civil Code are also applicable in the case at bar:

ARTICLE 2176. Whoever by act or omission causes damage to another, there being fault or negligence, is obliged to pay for the damage done. Such fault or negligence, if there is no pre-existing contractual relation between the parties, is called a quasi-delict and is governed by the provisions of this Chapter.

ARTICLE 2180. The obligation imposed by Article 2176 is demandable not only for one's own acts or omissions, but also for those of persons for whom one is responsible.

....

Employers shall be liable for the damages caused by their employees and household helpers acting within the scope of their assigned tasks, even though the former are not engaged in any business or industry.

....

Lastly, teachers or heads of establishments of arts and trades shall be liable for damages caused by their pupils and students or apprentices, so long as they remain in their custody.

The responsibility treated of in this article shall cease when the persons herein mentioned prove that they observed all the diligence of a good father of a family to prevent damage.

As found by the lower courts, petitioner Roble's negligence as Guild adviser in the supervision and instruction of the Guild members can be considered the natural, continuous sequence preceding the cause of Cheryl's death.[47] There is also collective negligence on the part of the petitioner University, through its administrators and officers-in-charge, when it failed to exercise due diligence in taking safety measures to ensure that no unfortunate incident would happen for those who would use its facilities.[48]

All told, petitioners are principally and solidarily liable for damages over Cheryl's death.

II

Having thus discussed the liability of petitioners, we move on to the amount of damages. Necessary to this discussion is tracing the origins of wrongful death cases, and the concept of the human life value.

Historians agree that prior to the nineteenth century, personal injury litigation was practically unknown.[49] In early common law countries, no claim was permitted for wrongful death.[50] Thus, family members were unfortunately left without any recourse against the tortfeasor.[51]

During the eighteenth century, common law cases involving personal injuries and wrongful deaths, though already permitted, were sparse.[52] Eighteenth-century common law lawyers and judges rarely engaged in discussions concerning legal actions initiated by victims of accidental personal injury. Instead, their focus primarily revolved around the intricate aspects of real property law.[53] In western countries where such litigation occurred, it often revolved around the early-modern action for loss of services.[54] This was typically initiated by a male head of the household seeking compensation for injuries sustained by his wife, children, or servants:

Personal injuries, after all, caused damages not just to the immediate victim of bodily harm, but also to anyone who possessed rights in the life and services of the victim. Thus, when eighteenth-century common lawyers dealt with actions for damages from personal injury, they were likely to be concerned with actions by masters for the loss of services caused by an injury to a member of the master's household.[55]

Particularly in England, the action for loss of service has further roots in the fourteenth and fifteenth century, following the devastation of the Black Death in 1340s when the country experienced severe labor shortages. To alleviate the situation, the English Parliament developed a mechanism to protect a master's right to their servant, such as actions for wrongful retainer of a servant by another master, actions against persons who procure a servant to quit during the term of his service,[56] and, most importantly, actions "against third parties who intentionally injured a servant and thereby caused the master to lose the servant's services." [57]

This paved the way for a new cause of action in common law jurisdictions where husbands, fathers, and masters can sue for the injury of their wives, children, and servants. However, the same does not hold true for the latter, for they have no parallel causes of action for injuries to the former. During that time, the only injuries recognized were wrongs done to the superior—the head of the household—who then suffers a loss of services in the event of an injury inflicted to his inferior. In this context, when injury is inflicted on the superior, the superior's wife, children, and servants suffer no loss of services because they have no interest or property right over their superior.[58] This kind of household structure reflected the power of patriarchal heads prevalent in early modern England and its American colonies.[59]

However, at the start of the nineteenth century, the reorganization of work shifted the structure of family life, including gender roles within the context of society and in the family. The emergence of new mills and factory production, particularly in regions like New England and New York, led the household from a domestic, service oriented model into the realm of the wage economy.[60] In turn, "the segregation of the home from economic production sharply differentiated white men's wage labor from middle-class white women's unpaid domestic work." [61]

Personal injury litigations rose starting mid-nineteenth century because of these changes in economic and labor production practices.[62] England was the first to address this by passing the Lord Campbell's Act in 1846, which gave family members a claim for wrongful death:

The statute authorized actions for wrongful death where the death of a person was caused by wrongful act, neglect, or default, and the act, neglect, or default is such as would (if death had not ensued) have entitled the

party injured to maintain an action. Such actions, the statute further provided, shall be for the benefit of the wife, husband, parent, and child of the person whose death shall have been so caused, and were to be brought by and in the name of the executor or administrator of the person deceased.[63] (Citations omitted)

New York quickly followed, copying the model of Lord Campbell's Act and redirecting American wrongful death legislation towards private tort actions. However, the New York legislation dropped husbands from the list of potential beneficiaries of damages in wrongful death actions. "Damages were limited to the pecuniary injury resulting from such death to the wife and next of kin of the deceased person. Moreover, such damages were for the exclusive benefit of the widow and next of kin." [64] Though it is challenging to speculate on the reasons behind the decision of New York legislators to bar husbands from initiating statutory actions, and to restrict damages to pecuniary losses, legislation during the mid-nineteenth century centered around the ideology of "dependent women and wage-earning men." [65]

Majority of the states in America followed suit, leading to the elimination of common law action for wrongful death.[66] This resulted in wrongful death claims being statutorily defined, limiting the recovery of damages to a "pecuniary-loss-to-dependents measure." [67] States with tort legislation, however, limited recovery of damages to widows and next of kin. This reality became problematic for husbands suing for the wrongful death of their wives and children.[68]

Even in jurisdictions whose wrongful death statutes allowed husbands to recover damages, the measure under those statutes were heavily grounded on the injury, which was the loss of support and assistance. Courts interpreted these to mean that the legislation provided redress only for those who had been dependent upon the deceased.[69] In truth, married women typically engaged in minimal paid labor, their contributions to the family mainly consisting of household duties and child-rearing. Nonetheless, quantifying the value of women's domestic work remained challenging.[70] Thus, "absent such financial dependence, only nominal damages were available to the plaintiffs." [71]

This furthered the divide between gender roles in the context of family life. Incentives were given to men to go out and pursue a career outside of the home because they carried "what was in effect a life insurance policy in the form of their dependents' cause of action under the wrongful death statutes." [72] Meanwhile, women did not have the same incentive, practically forcing them to stay within the confines of their respective homes.

Towards the end of the nineteenth century, certain jurisdictions started to gradually amend their wrongful death statutes to include husbands as eligible beneficiaries.[73] By the start of the twentieth century, numerous barriers to pursuing wrongful death actions involving married women and children were removed.[74]

II(A)

Particularly for children, mortality rates dropped at the turn of the twentieth century. Child illness and death were considered unpreventable in the eighteenth and nineteenth century, to the point that "[p]arents expected at least one of their children to die." [75] In the United States alone, 54% of deaths in 1850 were attributed to minors under the age of twenty. By 1900, 40% of deaths were minors under the age of nineteen.[76]

Exact statistics as to the extent of child mortality before the twentieth century are limited, but historians were able to conclude that high mortality rates in minors meant parents remained detached from their children. They were obliged "to limit the degree of emotional involvement with their infant children" [77] because of this reality. Yet parental indifference to their child's death was not solely due to high mortality rates. It also related to how parents at that time valued their children—that is, economically.[78]

Child labor thrived in the western regions during the mid-nineteenth century, peaking in the 1900s due to

industrialization.[79] Statistics show that one out of six children between the ages of 10 and 15 were gainfully employed in street trades like delivering newspapers and shining shoes, working in coal mines, making garments at home, and doing farm work.[80] In this context, the child's main contribution to the family was their earnings. The death of a child meant a lost paycheck to the household; their economic valuation was easily the damage sustained.

Child labor gradually ceased in the United States at the start of the twentieth century, which posed challenges for determining pecuniary damages in wrongful death cases. Without the child's economic contribution to the household, their loss became problematic.[81] This further changed the way parents valued their child, from economical to sentimental:

This change in the valuation of children led many to question the morality of the pecuniary measure. As early as 1898, the New Jersey Supreme Court reversed a [USD] 5[,]000 damage award for the wrongful death of a child, commenting that children are more often an expense than a pecuniary benefit to their parents. The public was not happy. An editorial opined that the decision was not only repugnant to human nature but also as close to legal immorality as is any opinion that has been expressed. In 1900, a New York appellate court found a six-cent verdict for the wrongful death of a sixteen-year-old who did not work as shocking in the moral sense. And in 1922, a dissenting justice of the Ohio Supreme Court described the pecuniary damage limitation as making a business commodity out of the child and as so cold and calculating as to be really bloodless. These instances reflect the emerging immorality of economically valuing children. The legal pricing of a sacred child was to some extent a sacrilege.[82] (Citations omitted)

As mortality rates among children decreased, parents began expecting their children to live to adulthood. Given this reality, parents also stopped having as many children. Birth rates dropped significantly. "[P]arental attitude towards child death have changed dramatically since state legislatures first created wrongful death statutes." [83] And nowadays, "parents are unprepared to deal with the loss of their children." [84]

III

Understanding the origins of wrongful death statutes is essential to comprehend the valuation of human life. It raises questions on whether there is a limit to the value of human life and how much someone is worth. Although life as we know it is deemed invaluable, the tort law system has endeavored for centuries to put a price to the value of a human life in compensation for the wrongful death of a person.

From a moral perspective, it would be unjust for someone to endure injury or the loss of a loved one due to another person's wrongful actions without receiving any form of compensation. Neglecting to provide compensation in such cases could be seen as a deliberate disregard for their suffering by the legal system.[85] Thus, in order to adequately compensate for injury and loss, the legal system is placed in the "awkward position" of assigning monetary value to the most precious of commodities: the human life.[86]

The pecuniary value of human life represents the monetary value assigned to an individual's life often calculated for legal or economic purposes, such as in wrongful death litigation[87] or cost-benefit analyses for allocation of resources.[88] This value is not a measure of a person's worth in a moral or philosophical sense; it is a practical tool used in various contexts to estimate economic loss or the benefits of safety and health interventions.

For example, the human life value concept holds a place of prominence in the economic foundations of life insurance.[89] In 1853, economist and statistician Sir William Farr formulated the first set of equations to determine the value of human life—the worth of their property—by linking it to the economic theory on human capital.[90] Farr's method is based on "the present value of the person's probable future earnings, minus the necessary outgo in realizing those earnings"[91] making up the value of that person's services. It became the

foundation of all subsequent calculations of the human life value.[92]

In the 1880s, Jacob L. Green, then president of the Connecticut Mutual Life Insurance Company, was recorded as one of the first to employ the economic principle of human capital in the context of life insurance:

The foundation of life insurance is the money value of human life. That which produces money is worth money: that which earns money is worth money: and when that which produces or that which earns money is lost, destroyed, the money worth is lost, destroyed. Every man fulfilling the duties of life is a producer or an earner of money: his life, therefore, is worth money to those who depend on his earnings in precisely the same sense that real estate, stocks, securities are worth money to those who receive rents, profits, or interest therefrom; and in its loss they suffer money loss just as truly and distinctly as if they had lost the real estate, or stock, or the securities.

And that money value of life is just as calculable as that of the real estate, stock or securities, and on just the same basis; to wit, the amount of money it produces, and the chances of its continuing to produce it. The money value of a man's life is the present value of what he may fairly be able to earn in the future, and during his probable life. The money value of the life of a man aged 30, who is earning [USD] 1,000 a year, supposing money is worth six per cent, is [USD] 13,320. If he dies his family loses that sum just as really as if they lost that much in any other form of property. His life is their property, and that sum is its value.[93] (Citations omitted)

This concept was further popularized by Dr. S. S. Huebner in the 1920s, noting that "one-half of a man's earnings are often allocated to his maintenance, the rest going to the family, so that the amount of insurance a man should have should be an amount sufficient to guarantee at least one-half the income he earned while living." [94] Dr. Huebner's method primarily relied in scientific treatments of appraisal, heavily capitalizing on a person's income over their life expectancy.[95] From this, the recognition of the economic value of a human life in the realm of life insurance was solidified.

The foundational approach to measuring the value of human life in tort law litigation is similar to the concept used in life insurances. In wrongful death cases, the pecuniary value is typically determined by considering factors such as the individual's average annual earnings, expected working life, taxes, self-maintenance costs, life expectancy, and a reasonable interest rate to discount future earnings to present value.[96]

Thus, the human capital approach has traditionally been framed in tort cases as the "cost of death," encompassing both the present value of medical expenses and the projected loss of income resulting from death or injury.[97] However, another approach was used in the early 1980s for policy determinations and regulatory contexts, known as the value of statistical lives.[98]

Regulatory authorities must decide the appropriate level of costs to be borne in implementing measures that reduce risks to human life and health:

In our daily lives, we routinely make decisions that either reduce risks of death, such as the purchase of a crashworthy car, or increase risks to our lives, such as the purchase of a small, fuel-efficient car that exposes us to the risk of injury. These choices all reflect an implicit value of life. The value attached to life and health in these various contexts has different economic content and different dollar magnitudes.

The natural question that arises is "Which measure of the value of life is the appropriate way for society to approach such decisions?" The key issue in selecting the pertinent value of life is to establish the purpose for which the number is intended. It is noteworthy that in no case are we asking for the amount of money a person would be willing to pay to avoid certain death or the amount that a person must be paid to accept certain death. Rather, the focus is usually either on the value of a statistical life in which the matter of concern is the risk-money tradeoff involving small mortality risks or the appropriate level of compensation after a fatality for

which there is the desire to provide insurance for the survivors.[99]

Economic valuation of life usually focuses on the value of a statistical life, which measures what people would pay to avoid, or accept, a small change in the risk of death:

The underlying impetus for this approach is the broader maxim in the public finance literature that the value of the benefits for any public policy consists of the willingness to pay of the citizenry for these benefits. Within the context of policies that reduce risk, this value becomes the willingness to pay of those affected by the risk reduction, hence the value of the statistical life. This measure should be appropriately cast as the value from the standpoint of deterrence rather than compensation. The thought experiment embodied in the methodology is a tradeoff between money and a very small risk of death. This approach considers how much individuals need to be compensated to face certain death or how much their heirs would need to be compensated after their death to provide appropriate insurance. These events involve discrete fatality outcomes, where the compensation decision is an ex post judgment. In contrast, the value of a statistical life is a prospective measure that in effect establishes the appropriate price society is willing to pay for small risk reductions.[100]

Government agencies in the United States have since assigned a monetary value to human life for regulatory purposes. For example, the Environmental Protection Agency has valued human life at USD 9.1 million, while the Food and Drug Administration has valued it at USD 7.9 million.[101] However, while regulatory agencies have adopted the value of statistical life, the courts continue to rely on the human capital measure:

The principal rationale for this continued emphasis is that the human capital approach is more pertinent to the insurance function of damages, which is to meet the economic loss of the survivors. The value of life concept can be viewed more appropriately as a deterrence concept, and awarding damages based on this amount would lead to excessive insurance as compared to what the individual would have chosen if insurance had been available before the accident on an actuarially fair basis.[102]

In the United States, there are two general approaches to measuring the value of human life in cases of wrongful death: survivor recovery and loss to the estate.[103]

The survivor recovery approach allows certain survivors of the decedent to recover damages for loss of financial support, loss of household services, and emotional losses. However, this is usually limited to the spouse, children, parents, and/or siblings of the decedent, and in some states, extend to the legal next of kin.[104] Meanwhile, the loss to the estate approach permits the decedent's estate to pursue damages and maintain lawsuits initiated by the decedent before their death regardless of how the compensation awarded to the estate will be divided among the survivors. This method is broader because it includes lawsuits seeking damages unrelated to the wrongful death.[105]

In both approaches, damages for wrongful death are gauged based on the "sum of all future money income that the deceased would have provided, plus the value of all goods and services [they] would have produced for family consumption." [106] This represents the monetary value of the loss considering that the survivors and/or estate would forego this amount in the event that compensation is not provided.

To calculate the financial value of the loss, various data points are utilized, including: (1) the decedent's present and prospective cash earning ability; (2) the replacement cost of all services that would have been rendered and all goods that would have been produced by the decedent for their family, had they lived to their actuarial life expectancy; (3) the estimated cost of self-maintenance that the decedent would have incurred had they continued to live their actuarial life expectancy; (4) the decedent's actuarial life expectancy at the time of their death; and (5) the rate of discount appropriate to reduce the above real income and costs to present values.[107]

However, in cases of wrongful death of children, computing for the damages using the data points mentioned

above could lead to minimal pecuniary damages.

First, employment of children is generally not considered an accepted practice today, save for a few specific well-regulated instances. Thus, children may not have present earnings to speak of.

Second, due to an early death, the prospective earning ability of a child is highly speculative. The older the deceased, the more information about their life, career plans, educational background, and professional achievements are available. When dealing with a young child, however, the plaintiff cannot reasonably contend—let alone prove—that the child would have become a certain kind of professional.[108] Therefore, estimating a child's prospective income becomes challenging.

Third, the expenses associated with raising, supporting, and maintaining a child have significantly increased since the twenty-first century. Costs of pre-natal care, birth, food, clothing, and shelter, among other maintenance upkeep of children, are increasing. Parents are investing more for their children's future, including sending them to schools and universities.[109]

Given this reality, the "child would prove to be an economic liability to the parent, and strict adherence to the rule could lead, *reductio ad absurdum*, to the conclusion that the tortfeasor should be reimbursed for having saved the parent money." [110] This prompted some courts to adopt the "lost investment" approach, which pegs damages on the amount the parents were likely to have invested in raising the child.[111]

But the lost investment approach in the valuation of damages for wrongful death in children remains controversial because child-rearing expenses would vary based on the parent's economic standing:

The aggregate amount spent on a child by families in the highest income group, on average, was more than twice the amount spent by families in the lowest income group. Notably, these figures specifically excluded the costs of sending the child to college, something that high-income parents are more capable of doing, which will only increase the amount of those parents' "investment" in their child.

High-income parents "invest" more in their children than low-income parents do. And thus, using the U.S. Department of Agriculture data and applying the lost-investment measure, parents in the highest income group would likely recover more than twice the amount of damages for the death of their child than parents in the lowest income group. Just as parents' loss after the death of their child doesn't vary based on whether the child would be a doctor or a mechanic, the loss also does not vary based on whether the parents are doctors or mechanics. Low-income parents do not lose any less than high-income parents when their children are killed, but the lost-investment measure will mean low-income parents recover less in damages.[112] (Citations omitted)

Reforms in the tort law system have also included recovery for loss of consortium to increase the award of damages in cases of wrongful death, not just in children.[113] Traditionally, non-pecuniary damages for bereavement, loss of companionship, and the like have been compensable under tort law:

Pain and suffering have traditionally been compensable under general tort law. Mental pain and suffering, long included within this definition, is recognized as a real injury. Where this mental or emotional injury had originally been parasitic to physical injury, it has recently progressed in some cases to free standing status. Mental well-being, freedom from anxiety and anguish, are protected interests. Injury to these interests should be compensable, especially in wrongful death cases.[114]

These damages are non-economic, far from the concepts of the human capital approach and the value of a statistical life. Emotional losses seek to address the intrinsic or "hedonic" value of life—the enjoyment, relationships, and experiences lost.[115]

Scholars have also introduced the concept of punitive damages in addition to other damages in cases of wrongful death. This victim-focused approach not only increases the valuation of awards but creates the proper level of deterrence.[116] Particularly for children, some legal experts are of the opinion that awarding punitive damages empowers the parents, as victims, to seek redress through a tort action:

Parents' main redress for the wrongful death of their child is currently made up of compensatory damages, more consistent with the corrective justice theory of tort law rather than civil-recourse or private-redress theory. Corrective justice theory assumes that the purpose of tort law is to make an injured victim whole after her injury. . . . But a larger problem exists with any make-whole compensatory damage remedy for bereaved parents — they do not want to be made whole. Parents do not want to undo their grief after the death of their child: We grieve what we value; we grieve in proportion to our affection. Parents want to grieve; eradicating grief would also mean relinquishing the love for that child, an impossible idea. Parents do not want to move on from their deceased child; they instead seek to make sense of [their] new world while simultaneously incorporating the death of their child into that world. Parents want to ensure that their child is not "gone and forgotten," a task that is even more difficult when the child was young or if death occurred before birth.

. . . .

Private-redress theory, as an extension of civil recourse theory, provides a new way to evaluate parents' redress after the death of their child. Although neither civil recourse nor private-redress theories purport to determine the type or amount of damages a victim should receive, the theories allow more flexible relief than corrective justice theory. The theories allow tort law to consider the nature of the wrong the defendant required the parents to endure and the possibility that the parents suffered a moral injury deserving of punitive damages. Moreover, using Professor Martinez Alles's language, enabling punitive damages signifies the significance of the wrongdoing for the parents and allows them to express their own moral outrage.[117] (Citations omitted)

A few experts have criticized the concept behind punitive damages, saying that its "aim at punishing a wrongdoer rather than compensating a victim is misdirected,"[118] because the defendant "usually suffers more than enough from having killed a child, and the victim is not made whole by retribution." [119] Yet the application of punitive damages remains accepted in various jurisdictions, especially in wrongful death of children:

A reasonable application of punitive damages would be in the special instances where public utilities, hazardous enterprises, public carriers, etc., are involved. These sophisticated defendants could conceivably be made to conduct their activities in a more careful manner by an awareness of punitive damages. Another reasonable application of punitive damages would be in the instance of intentional tort or gross or wanton negligence. However, even in these instances, punitive damages should be in addition to and not in substitution of other damages.[120]

Another approach arises from human rights law and the ethical doctrine of the sanctity or inviolability of human life. The right to life has been described as the foremost of all human rights, for without its effective protection, every other human right would lose its significance:[121]

To place a price on the value of a human life is, thus, unsettling to human rights advocates. In fact, it seems inconsistent with core human rights principles that treat human life as sacrosanct and all human beings as equal. In absolute terms, it implies that human life is fungible, and a commodity that can be bought, traded, and sold. In relative terms, it implies the value of human life may vary and some lives may be more valuable than others. And yet, valuation of human life occurs frequently.[122]

According to the United Nations Human Rights Committee, the right to life imposes an affirmative obligation on states to protect human life:

A proposed draft for a new General Comment No. 36 by the Human Rights Committee on the right to life

reaffirms and expands the scope of this international obligation. It notes, for example, that states are under an obligation to take appropriate positive measures in order to protect life from all possible threats, including from threats emanating from private persons and entities. In addition, the duty to protect life also imposes on States parties a due diligence obligation to take long-term measures to address the general conditions in society that may eventually give rise to direct threats to life. The proposed General Comment indicates that this obligation extends to a wide variety of life-threatening phenomena, from disease, poverty, and starvation to pervasive traffic and industrial accidents.[123] (Citations omitted)

Given that the right to life is a *jus cogens* obligation,[124] any and all violations give rise to criminal and civil liability. Thus, several jurisdictions established the parameters of state responsibility for protecting potential victims from the loss of life:

The right to life norm imposes a positive obligation on states to protect human life. The preceding review of international practice and case law offers the foundation for a three-part test to determine whether a state has complied with this obligation in a manner consistent with human rights law. This test represents an extension of the principles first enunciated in *Osman* and *Velasquez-Rodriguez* and reflects the growing significance of the positive obligation to protect human life. Each element is necessary to implicate state responsibility.

First, is there a risk to human life? This risk can emanate from human or natural causes. It can arise from public or private action. And, the risk need not target a specific person. It can involve a risk to members of a larger group or even the general public. The risk must be real and immediate, but this simply means the harm can occur at any time. Thus, the risk does not require temporal imminence, meaning the harm is not required to occur within specified days, weeks, or even months. To hold otherwise would undermine the strength of the obligation to protect human life. Significantly, human rights law does not require a risk to be fully realized or for the harm to have already occurred. States are obligated to prevent harm from occurring to potential victims. Indeed, the prevention of human rights violations should always be preferred over remedial action taken after such harms have occurred. Thus, states can be held responsible for acts or omissions that place human life at risk.

Second, did the state know or should it have known about the risk to life? Knowledge of any government official, whether national, regional, or local, is attributable to the state and is, therefore, sufficient to establish responsibility. Unlike most negative obligations that maintain a heightened *mens rea* standard, positive obligations only require actual or implied knowledge of the risk. The state must be aware of the risk. If the state is unaware, it will still be responsible if it should have known about the risk. As part of this analysis, the foreseeability of the risk must be considered. On some occasions, this may involve assessing the probability that a risk will materialize. On other occasions, foreseeability may be established by identifying a causal link between the state's acts or omissions and the risk to human life. It is an *ex post* test of 'foreseeability' of the event: even if the event was predictable, there is still room, even after the wrongful event occurred, for verifying its place in the chain of events.

Third, did the state take or could it have taken reasonable measures within its means and authority to reduce or prevent the risk to life? This element requires a fact-intensive analysis and contains several considerations. Does the state have the resources to act? What is the nexus between the state's acts or omissions and the risk to life? And, could state action have a real prospect of altering the outcome or mitigating the harm to human life? In this analysis, states are not assessed under a strict liability standard. Rather, state behavior is assessed under a due diligence standard wherein states exert their best possible efforts to minimize the risk to life. Also, states are not obligated to act without considering the financial and societal costs of such action. Human rights law does not require states to meet impossible standards or accept unreasonable burdens. And, states cannot reasonably act against every conceivable risk to life as some risks are simply unavoidable. In fact, states are granted a wide margin of appreciation in making administrative and budgetary decisions. States have a right to prioritize public programs and government spending. But while resource allocation considerations may be relevant, they are not a blanket excuse for the state failing to intervene to save a life and the courts should

investigate the specific circumstances prevailing in each case. In assessing the reasonableness of state action, courts will balance the interests of potential victims with the needs, abilities, and resources of the state. Various factors will also be considered, including the number of potential victims, the probability of harm, and the costs of state action. Thus, the failure of a state to take reasonable measures in light of such considerations is sufficient to engage the responsibility of the State.[125] (Citations omitted)

This notwithstanding, it is important to note that these values are not absolute, and can vary depending on the methodology and the context in which they are used. They serve as inputs in decision-making processes rather than definitive measures of human life's intrinsic value.[126]

IV

The Civil Code, enacted in 1949, is the basis for tort claims in the Philippines—that is statutory. Article 2176 provides:

ARTICLE 2176. Whoever by act or omission causes damage to another, there being fault or negligence, is obliged to pay for the damage done. Such fault or negligence, if there is no pre-existing contractual relation between the parties, is called a quasi-delict and is governed by the provisions of this Chapter.

Claims arising from quasi-delicts are essentially focused on seeking monetary compensation—in the form of damages—for the wrong done by the defendant's purported tortious acts.[127] In the Philippines, the kinds of damages, as enumerated in the Civil Code, are: (1) actual or compensatory; (2) moral; (3) nominal; (4) temperate or moderate; (5) liquidated; or (6) exemplary or corrective.[128] In a way, the value of these damages as awarded by the courts is the indemnity for the injury suffered in cases of wrongful death, which happens to be the human life lost. Besides this enumeration, our jurisprudence does not further distinguish these damages.

In the United States, damages in tort cases of personal injury, property damage, or wrongful death are categorized into economic and non-economic damages. Economic damages are "objectively verifiable monetary losses including medical expenses, loss of earnings, burial costs, loss of use of property, costs of repair or replacement, costs of obtaining substitute domestic services, loss of employment and loss of business or employment opportunities" while non-economic damages are "subjective, non-monetary losses including, but not limited to, pain, suffering, inconvenience, mental suffering, emotional distress, loss of society and companionship, loss of consortium, injury to reputation and humiliation." [129]

In addition, punitive damages are awarded as a form of punishment or deterrence for intentional or reckless behavior:

While lumping non-economic damages into the same pot as punitive damages is tempting to many, punitive damages remain a separate and distinct form of payment. Punitive damages punish and deter wrongdoers. They also prompt juries to focus on the defendant's wealth and the reprehensibility of the conduct rather than on fairly compensating for a wrong, as is the focus of non-economic damages.[130]

Nominal damages are also recognized in the United States, pointing to their role in "shifting the costs of litigation, serving as a vehicle for a declaratory judgment, and vindicating a plaintiff's legal rights." [131] These have been awarded in the following kinds of actions:

[F]irst, where there is a mere invasion of a legal right, with no actual damage; second, where there is an invasion of a legal right, with trifling, slight, or even comparatively small actual damage; and third, where there is an invasion of a legal right, with no proof as to the amount of the actual damage.[132]

Our Civil Code also awards economic, non-economic, punitive, and nominal damages. Actual, temperate, and liquidated damages are objectively verifiable monetary losses, effectively classifying them as economic damages.

Actual or compensatory damages refer to adequate compensation for the pecuniary loss suffered by the plaintiff as they can duly prove.[133] The economic damage in this case includes measurable financial impacts arising from the natural and probable consequences of the act or omission complained of, and it is not necessary that such damage had been foreseen or could have reasonably been foreseen by the defendant.[134]

Temperate damages may be recovered when the court finds that some pecuniary loss has been suffered whose amount cannot be provided with certainty owing to the nature of the case.[135] Although definite proof of pecuniary loss is not available, the court has objectively verified, and therefore is convinced, that there has been some sort of economic monetary loss.[136] In any case, the amount of temperate damages is best left to the court's discretion, but must be reasonable under the circumstances.[137]

Liquidated damages are those agreed upon by parties to a contract, to be paid in case of breach thereof.[138] The law allows them to objectively stipulate the amount of the economic loss in lieu of its actual value. This serves as a penalty "meant to impress upon defaulting obligors the graver consequences of their own culpability . . . mak[ing] non-compliance more cumbersome than compliance."[139]

Moral damages in our Civil Code can be classified as non-economic damages which are subjective, non-monetary losses. Moral damages are incapable of pecuniary computation, but may nevertheless be recovered if they are the proximate result of the defendant's wrongful act or omission.[140]

Meanwhile, exemplary or corrective damages is the counterpart of punitive damages in our jurisdiction. They are imposed by way of example or correction for the public good, in addition to moral, temperate, liquidated, or compensatory damages.[141]

Similarly, nominal damages are adjudicated in order that a plaintiff's right, which has been violated or invaded by the defendant, may be vindicated or recognized.[142] Its purpose is not the indemnification of a loss but rather the recognition and vindication of a right.[143]

IV(A)

Article 2206 of the Civil Code on actual or compensatory damages reads:

ARTICLE 2206. The amount of damages for death caused by a crime or quasi-delict shall be at least three thousand pesos, even though there may have been mitigating circumstances. In addition:

(1) The defendant shall be liable for the loss of the earning capacity of the deceased, and the indemnity shall be paid to the heirs of the latter; such indemnity shall in every case be assessed and awarded by the court, unless the deceased on account of permanent physical disability not caused by the defendant, had no earning capacity at the time of his death;

(2) If the deceased was obliged to give support according to the provisions of Article 291, the recipient who is not an heir called to the decedent's inheritance by the law of testate or intestate succession, may demand support from the person causing the death, for a period not exceeding five years, the exact duration to be fixed by the court;

(3) The spouse, legitimate and illegitimate descendants and ascendants of the deceased may demand moral damages for mental anguish by reason of the death of the deceased.

From this statutory provision, there are at least four damages recoverable, both economic and non-economic, by reason of death caused by a crime or quasi-delict: (1) civil indemnity; (2) loss of earning capacity; (3) loss of support; and (4) moral damages.

Civil indemnity is compulsory and automatically conferred upon the heirs of the victim without requiring any evidence other than the occurrence of death.[144] Article 2206 of the Civil Code set the minimum amount at PHP 3,000.00.

Over time, jurisprudence has increased this amount from PHP 6,000.00 in 1948,[145] to PHP 12,000.00 in 1968,[146] to PHP 50,000.00 in 1990.[147] In 2013, this amount was further increased to PHP 100,000.00, although it only applies when the penalty of the crime committed would have been death had it not for the passage of Republic Act No. 9346, which prohibited the imposition of the death penalty in the Philippines.[148] To this day,[149] however, civil indemnity for deaths resulting from a quasi-delict remained stagnant at PHP 50,000.00, an amount that was set in 1997.[150]

Loss of earning capacity and loss of support is akin to the statutory basis of tort law litigation in western countries where the heirs—or survivors—who were dependent on the deceased are given a cause of action for damages. In *Pestaño v. Spouses Sumayang*,[151] the Court applied Article 2206 of the Civil Code and awarded compensation for the deceased's lost earning capacity in addition to the award of civil indemnity. The compensation for the deceased's lost earning capacity meant to provide the heirs with the income they would have received if the deceased had lived on.[152]

Jurisprudence has set the formula:

Net Earning Capacity = Life Expectancy x (Gross Annual Income - Necessary Living Expenses)[153]

where:

Life expectancy is computed at $[2/3 \times (80 - \text{Age at the time of death})]$ as adopted in the American Expectancy Table of Mortality or the actuarial of Combined Experience Table of Mortality;[154] and

Necessary living expenses is pegged at 50% of the deceased's gross annual income.[155]

The rationale for this formula was discussed in *Villa Rey Transit, Inc. v. Court of Appeals*: [156]

[The award of damages for loss of earning capacity is] concerned with the determination of the losses or damages sustained by the Private respondents, as dependents and intestate heirs of the deceased, and that said damages consist, not of the full amount of his earnings, but of the support they received or would have received from him had he not died in consequence of the negligence of petitioner's agent. In fixing the amount of that support, [w]e must reckon with the "necessary expenses of his own living," which should be deducted from his earnings. Thus, it has been consistently held that earning capacity, as an element of damages to one's estate for his death by wrongful act is necessarily his net earning capacity or his capacity to acquire money, "less the necessary expense for his own living." Stated otherwise, the amount recoverable is not loss of the entire earning, but rather the loss of that portion of the earnings which the beneficiary would have received. In other words, only net earnings, not gross earning, are to be considered that is, the total of the earnings less expenses necessary in creation of such earnings or income and less living and other incidental expenses.[157] (Citations omitted)

Loss of earning capacity, an economic damage, is akin to actual or compensatory damages, which must be duly proved and substantiated:

It is, however, settled that damages for loss [or impairment] of earning capacity is in the nature of actual damages.

Actual or compensatory damages are those awarded in order to compensate a party for an injury or loss he suffered. They arise out of a sense of natural justice, aimed at repairing the wrong done. To be recoverable, they must be duly proved with a reasonable degree of certainty. A court cannot rely on speculation, conjecture,

or guesswork as to the fact and amount of damages, but must depend upon competent proof that they have suffered, and on evidence of the actual amount thereof.

Thus, as a rule, documentary evidence should be presented to substantiate the claim for damages for loss of earning capacity. By way of exception, damages for loss [or impairment] of earning capacity may be awarded despite the absence of documentary evidence when (1) the deceased [or the injured] was self-employed and earning less than the minimum wage under current labor laws, in which case, judicial notice may be taken of the fact that in the deceased's line of work no documentary evidence is available; or (2) the deceased was employed as a daily worker earning less than the minimum wage under current labor laws.[158] (Citations omitted)

Torreon v. Aparra Jr.[159] clarifies that to prove loss of earning capacity, the plaintiff is only required to establish their claim by preponderance of evidence akin to the nature of civil actions:

Lack of documentary evidence is not fatal to a claim for the deceased's lost earning capacity. Testimony from a competent witness familiar with his salary is a sufficient basis to determine the deceased's income before his death.[160]

The Court, in specific instances, awarded loss of earning capacity in cases of wrongful death in children, recognizing that Article 2206 (1) of the Civil Code did not exclude children in its recovery:

The RTC did not recognize the right of the petitioners to recover the loss of earning capacity of Rommel. It should have, for doing so would have conformed to jurisprudence whereby the Court has unhesitatingly allowed such recovery in respect of children, students and other non-working or still unemployed victims. The legal basis for doing so is Article 2206 (1) of the Civil Code, which stipulates that the defendant shall be liable for the loss of the earning capacity of the deceased, and the indemnity shall be paid to the heirs of the latter; such indemnity shall in every case be assessed and awarded by the court, unless the deceased on account of permanent physical disability not caused by the defendant, had no earning capacity at the time of his death.

Indeed, damages for loss of earning capacity may be awarded to the heirs of a deceased non-working victim simply because earning capacity, not necessarily actual earning, may be lost.

In *Metro Manila Transit Corporation v. Court of Appeals*, damages for loss of earning capacity were granted to the heirs of a third-year high school student of the University of the Philippines Integrated School who had been killed when she was hit and run over by the petitioner's passenger bus as she crossed Katipunan Avenue in Quezon City. The Court justified the grant in this wise:

Compensation of this nature is awarded not for loss of earnings but for loss of capacity to earn money. Evidence must be presented that the victim, if not yet employed at the time of death, was reasonably certain to complete training for a specific profession. In *People v. Teehankee*, no award of compensation for loss of earning capacity was granted to the heirs of a college freshman because there was no sufficient evidence on record to show that the victim would eventually become a professional pilot. But compensation should be allowed for loss of earning capacity resulting from the death of a minor who has not yet commenced employment or training for a specific profession if sufficient evidence is presented to establish the amount thereof.

....

The petitioners sufficiently showed that Rommel was, at the time of his untimely but much lamented death, able-bodied, in good physical and mental state, and a student in good standing. It should be reasonable to assume that Rommel would have finished his schooling and would turn out to be a useful and productive person had he not died. Under the foregoing jurisprudence, the petitioners should be compensated for losing Rommel's power or ability to earn. The basis for the computation of earning capacity is not what he would have become or what he

would have wanted to be if not for his untimely death, but the minimum wage in effect at the time of his death.[161] (Emphasis supplied, citations omitted)

Apart from actual or compensatory damages, Article 2216 of the Civil Code enumerates other kinds of damages recognized in our jurisdiction and how they can be awarded:

ARTICLE 2216. No proof of pecuniary loss is necessary in order that moral, nominal, temperate, liquidated or exemplary damages, may be adjudicated. The assessment of such damages, except liquidated ones, is left to the discretion of the court, according to the circumstances of each case.

The statutory provision is clear: the valuation of moral, nominal, temperate, and exemplary damages are best left to the discretion of the court in consideration of the unique circumstances of each case, and unlike actual or compensatory damages, these claims need not be substantiated by proof of measurable, pecuniary, and financial loss.

Moral damages include physical suffering, mental anguish, fright, serious anxiety, besmirched reputation, wounded feelings, moral shock, social humiliation, and similar injury.[162] The nature of this damage is non-economic. It is subjective, non-monetary loss, which the Civil Code explicitly recognizes as compensable especially in cases of wrongful death.

Moreover, moral damages may be recovered if they are the proximate result of a defendant's wrongful act or omission.[163] In *Fegarido v. Alcantara*: [164]

Moral damages are awarded to enable the injured party to obtain means, diversions or amusements that will serve to alleviate the moral suffering he has undergone, by reason of the defendant's culpable action. They are granted to compensate the claimant for [their] actual injury, and not to penalize the wrongdoer.[165] (Citations omitted)

In addition to moral damages by reason of death, Article 2219 of the Civil Code also enumerates cases where moral damages may be recovered:

ARTICLE 2219. Moral damages may be recovered in the following and analogous cases:

(1)

A criminal offense resulting in physical injuries;

(2)

Quasi-delicts causing physical injuries;

(3)

Seduction, abduction, rape, or other lascivious acts;

(4)

Adultery or concubinage;

(5)

Illegal or arbitrary detention or arrest;

(6)

Illegal search;

(7)

Libel, slander or any other form of defamation;

(8)

Malicious prosecution;

(9)

Acts mentioned in Article 309;

(10)

Acts and actions referred to in Articles 21, 26, 27, 28, 29, 30, 32, 34, and 35.

The parents of the female seduced, abducted, raped, or abused, referred to in No. 3 of this article, may also recover moral damages.

The spouse, descendants, ascendants, and brothers and sisters may bring the action mentioned in No. 9 of this article, in the order named. (Emphasis supplied)

Meanwhile, exemplary or corrective damages are imposed by way of example or correction for the public good, in addition to economic and non-economic damages. Exemplary damages are punitive in nature, a form of punishment or deterrence for intentional or reckless behavior. *Guy v. Tulfo*[166] explains:

Exemplary or corrective damages are imposed by way of example or correction for the public good. It is imposed as a punishment for highly reprehensible conduct and serves as a notice to prevent the public from the repetition of socially deleterious actions. Such damages are required by public policy, for wanton acts must be suppressed. They are an antidote so that the poison of wickedness may not run through the body politic.[167] (Citations omitted)

Particularly, in quasi-delicts, exemplary damages may be granted if the defendant acted with gross negligence.[168] *Torreón v. Aparra, Jr.*[169] discussed these parameters:

Exemplary damages are imposed by way of example or to correct a wrongful conduct. It is imposed as a punishment for highly reprehensible conduct, meant to deter serious wrongdoing. Specifically, in cases of quasi-delicts, it is granted if the respondent acted with gross negligence.

Kierulf v. Court of Appeals summarized the requirements for exemplary damages to be awarded:

Exemplary damages are designed to permit the courts to mould behavior that has socially deleterious consequences, and its imposition is required by public policy to suppress the wanton acts of an offender. However, it cannot be recovered as a matter of right. It is based entirely on the discretion of the court. Jurisprudence sets certain requirements before exemplary damages may be awarded, to wit:

(1) They may be imposed by way of example or correction only in addition, among others, to compensatory damages, and cannot be recovered as a matter of right, their determination depending upon the amount of compensatory damages that may be awarded to the claimant;

(2) the claimant must first establish [their] right to moral, temperate, liquidated or compensatory damages; and

(3) the wrongful act must be accompanied by bad faith, and the award would be allowed only if the guilty party acted in a wanton, fraudulent, reckless, oppressive or malevolent manner.[170] (Citations omitted)

To summarize, the heirs are entitled to recover the following when death occurs by reason of a quasi-delict:

- (1) Civil indemnity for the death of the victim without the need of any evidence or proof of damages;
- (2) Actual or compensatory damages which are the natural and probable consequences of the act or omission complained of, duly substantiated and proved with reasonable degree of certainty. This includes: (a) loss of earning capacity – the said indemnity to be assessed and awarded by the court as a matter of duty, unless the deceased had no earning capacity at said time on account of permanent disability not caused by the defendant; and (b) loss of support if the deceased was obliged to give support, under Article 291 of the Civil Code, the recipient who is not an heir, may demand support from the accused for not more than five years, the exact duration to be fixed by the court.
- (3) Moral damages for physical suffering, mental anguish, fright, serious anxiety, wounded feelings, moral shock, and similar injury – the amount left to the discretion of the court, according to the circumstances of each case.
- (4) Exemplary damages imposed by way of example if the defendant acted with gross negligence. However, this cannot be recovered as a matter of right. Courts will decide whether they should be adjudicated, and the amount thereof.

V

Here, the Regional Trial Court, as affirmed by the Court of Appeals, awarded the following damages for the wrongful death of Cheryl caused by the collective negligence of petitioners:

- (1)
Civil indemnity of fifty thousand pesos ([PHP] 50,000.00) for the death of Cheryl Sarate;
- (2)
Exemplary or corrective damages of two hundred thousand pesos ([PHP] 200,000.00);
- (3)
Moral damages of five hundred thousand pesos ([PHP] 500,000.00) and
- (4)
Attorney's fees equivalent to twenty percent (20%) of the total amount adjudged to the plaintiffs or 20% of seven hundred fifty thousand ([PHP] 750,000.00) pesos.[171]

We take this opportunity to increase the civil indemnity for death resulting from a quasi-delict. This amount was last increased in 1997, or 28 years ago, when it was set at PHP 50,000.00. Civil indemnity for death resulting from a crime was already increased to PHP 100,000.00 in 2013.[172] Given that the statutory basis for these indemnities is one and the same—Article 2206 of the Civil Code—the Court, in the interest of equal protection, finds no substantial distinction to differentiate between the amount of civil indemnity for death caused by a crime or quasi-delict.

However, money that should have been paid in 2013 no longer holds the same value today. The PHP 100,000.00 that once carried a particular worth in 2013 no longer bears the same economic weight today, its value having been diminished by time and inflation. Thus:

In economics, the definition of present value is the value for an asset that yields a stream of income over time. It recognizes that the value of money is not static and that a certain amount of money may be worth more in the future due to a variety of factors, such as interest and inflation. It demonstrates that receiving the same amount in the future would not have the same value as receiving it today.[173] (Citations omitted)

Economists developed a formula to measure the value generated by the money over time. The formula set in *Secretary of the Department of Public Works and Highways v. Spouses Tecson*[174] is instructive:

For purposes of explaining this method, consider property owner AA who owns a piece of land. The government took his property at Year 0. Let us assume that his property had a fair market value of [PHP] 100 at the time of taking. In our ideal situation, the government should have paid him [PHP] 100 at Year 0. By then, AA could have put the money in the bank so it could earn interest. Let us peg the interest rate at 5% per annum (or in decimal form, 0.05).

If the expropriation proceedings took just one year (again, another ideal situation), AA could only be paid after that year. The value of the [PHP] 100 would have appreciated already. We have to take into consideration the fact that in Year 1, AA could have earned an additional [PHP] 5 in interest if he had been paid in Year 0.

In order to compute the present value of [PHP] 100, we have to consider this formula:

Present Value in Year 1 = Value at the Time of Taking +
(Interest Earned of the Value at the Time of Taking)

In formula terms, it will look like this:

$$PV1 = V + (V \cdot r)$$

$$PV1 = V \cdot (1 + r)$$

PV1 = present value in Year 1

V = value at the time of taking

r = interest rate

So in the event that AA gets paid in Year 1, then:

$$PV1 = V \cdot (1 + r)$$

$$PV1 = [\text{PHP}]100 (1 + 0.05)$$

$$PV1 = [\text{PHP}]105$$

So if AA were to be paid in Year 1 instead of in Year 0, it is only just that he be paid [PHP] 105 to take into account the interest earnings he has foregone due to the expropriation proceedings. If he were to be paid in Year 2, we should take into consideration not only the interest earned of the principal, but the fact that the interest earned in Year 1 will also be subject to interest earnings in Year 2. This concept is referred to as compounding interest rates. So our formula becomes:

Present Value in Year 2 = [Present Value in Year
1] + [Interest Earned of Present Value in Year 1]

Recall that in formula terms, Present Value in Year 1 was expressed as:

$$PV1 = [V \cdot (1 + r)]$$

Hence, in Year 2, the formula will be:

$$PV2 = PV1 \cdot (1 + r) \text{ or}$$

$$PV2 = [V \cdot (1 + r)] \cdot (1 + r)$$

Seeing that the term $(1 + r)$ is repeated, it can be further simplified as:

$$PV_2 = V * (1 + r)$$

$$PV_2 = [\text{PHP}] 100 * (1 + 0.05)$$

$$PV_2 = [\text{PHP}] 100 * 1.1025$$

$$PV_2 = [\text{PHP}] 110.25$$

This is the same as if we multiply the present value in Year 1 of [PHP] 105 by 1.05 (our multiplier with the interest rate).

If proceedings go on until Year 3, then the formula would be:

$$PV_3 = PV_2 * (1 + r)$$

$$PV_3 = \{[V * (1 + r)] * (1 + r)\} * (1 + r)$$

Again, $(1 + r)$ is repeated three times, the same number as the number of years; hence, simplifying the formula would yield:

$$PV_3 = V * (1 + r)$$

Due to compounding interests, the formula for present value at any given year becomes:

$$PV_t = V * (1 + r)^t$$

PV stands for the present value of the property. In order to calculate the present value of the property, the corresponding formula is used. V stands for the value of the property at the time of the taking, taking in all the considerations that the court may use in order to arrive at the fair market value in accordance with law.

This is multiplied to $(1 + r)$ where r equals the implied rate of return (average year-to-year interest rate) and raised to the exponent t. The exponent t refers to the time period or the number of years for which the value of the money would have changed. It is treated as an exponent because it is the number of times you have to multiply $(1 + r)$ to capture the effect of compounding interest rates.

So if AA were to be paid seventy-three (73) years from the time of taking, the present value of the amount he should have been paid at the time of taking would be:

$$PV_t = V * (1 + r)^t$$

$$PV_{73} = [\text{PHP}] 100 * (1 + 0.05)^{73}$$

$$PV_{73} = [\text{PHP}] 100 * (35.2224)$$

$$PV_{73} = [\text{PHP}] 3,522.24.[175]$$

While the formula in Tecson pertains to the computation of just compensation of properties in expropriation cases, the same principle applies in computing for the present value of money. To determine the present value of PHP 100,000.00 in 2013, we apply this formula:[176]

$$PV_t = V * (1 + r)^t$$

Here, PV stands for the present value of the money and t is the period or the number of years that have passed. V is the amount being considered, to be multiplied by $(1 + r)$, where r equals the implied rate of return. In this case, we propose the use of the latest inflation rate by the Philippine Statistics Authority as r.

Twelve years have elapsed between 2013 and 2025. Since full-year inflation data for 2025 is not yet available, using 2024's finalized rate ensures that the computation is based on complete, verified, and official economic data. This approach follows standard economic practice and promotes consistency, as it avoids relying on partial or estimated data for the current year. Thus, the relevant period will cover 11 full years, from the end of 2013 to

the end of 2024.

In determining the applicable inflation rate for this period, we rely on the actual year-end average inflation rate for 2024, which was recorded at 3.2% by the Philippine Statistics Authority^[177] and the Bangko Sentral ng Pilipinas.^[178] Hence, the present value of PHP 100,000.00 from 2013 would be:

$$PV_t = V \cdot (1 + r)^t$$

$$PV_{11} = [\text{PHP}] 100,000 \cdot (1 + 0.032)^{11}$$

$$PV_{11} = [\text{PHP}] 100,000 \cdot (1.41408875)$$

$$PV_{11} = [\text{PHP}] 141,408.88$$

Considering the passage of time and the effects of inflation, the value of PHP 100,000.00 in 2013 would be approximately PHP 141,000.00 today. However, strictly speaking, if the Court were to award this amount as civil indemnity for Cheryl's death, it would effectually be as if no increase had been made since 2013.

During the deliberations of this case, Associate Justice Alfredo Benjamin S. Caguioa (Associate Justice Caguioa) noted that since the last adjustment of civil indemnity from wrongful death in 2013, there have been two Senate bills and five House bills proposing its increase:

In 2014, Senator Miriam Defensor-Santiago filed Senate Bill No. 2513 to increase the minimum amount at PHP 500,000.00, arguing that a drastic increase was necessary to deter killing, as it appeared less costly than causing injury.^[179]

In 2020, Senator Franklin Drilon filed Senate Bill No. 1276 to increase the minimum amount at PHP 300,000.00, citing that the gruesome nature of deaths subject of recent case outcomes could have warranted higher awards.^[180]

In 2022, Representative Gustavo Tambunting filed House Bill No. 3857 to adjust the minimum amount to PHP 300,000.00, for the same reasons cited by Senator Franklin Drilon.^[181] This bill was also filed by Representative Joy Myra Tambunting in 2020 as House Bill Nos. 7094^[182] and 7584.^[183]

In 2023, Representative Ma. Alana Samantha Santos filed House Bill No. 9597 to adjust the minimum amount to PHP 300,000.00, recognizing the need to modernize outdated indemnity laws and deter heinous crimes.^[184]

In 2024, Representative Margarita Ignacia Nograles filed House Bill No. 10126 to increase the minimum amount to PHP 100,000.00.^[185] She also clarified that the amounts provided by the law were only the minimum, and that courts are empowered to use their discretion in granting a higher amount, based on the rate of inflation and circumstances unique to the case.^[186]

Associate Justice Caguioa posited that a brief look at the pending House and Senate Bills on the matter of civil indemnity paints for the Court a clearer picture of the Legislature's willingness to adjust civil indemnity by reason of death to at least PHP 300,000.00.

While the Court shares the view that increasing civil indemnity for wrongful death to PHP 300,000.00 is both reasonable and responsive to present social and economic conditions, reliance on unpassed Senate and House bills as the basis for judicial adoption of this amount warrants prudence.

First, proposed measures, regardless of their number or policy rationale, do not possess the force of law. Legislative intent, to be binding, must find expression in an enacted statute.

Second, using pending or unpassed legislation as a substitute for statutory authority poses serious implications for the separation of powers. It risks encroaching upon the exclusive prerogative of the legislature to determine policy

and set statutory standards for damages.

Associate Justice Maria Filomena D. Singh (Associate Justice Singh) concurred with the suggestion of Associate Justice Caguioa to increase the minimum civil indemnity to PHP 300,000.00, but noted that draft bills cannot be the source of any right. Nonetheless, she explained that the amount of compensation in these draft bills may still serve as guideposts for the Court in determining the compensation appropriate under the circumstances.

In this light, the Court deems it proper to increase the award of civil indemnity for wrongful death to PHP 300,000.00, not by reason of the unpassed legislative proposals, but pursuant to the Court's established authority to modify and update the amounts of damages in accordance with prevailing circumstances. This authority emanates from the Court's inherent power to interpret and apply the law in a manner that ensures the just and equitable vindication of rights.

Jurisprudence has consistently recognized that the determination of indemnity is ultimately a question of law and equity, and that the Court may, in the exercise of sound discretion, adjust such amounts when appropriate to reflect contemporary economic realities and the evolving standards of justice.[187] The adjustment to PHP 300,000.00 thus finds firm basis in the Court's own jurisprudence, which recognizes that compensation accorded for the wrongful loss of life must evolve with time, inflation, and the realities of modern society.

In the absence of any legislation, and in the interest of substantial justice, the Court should automatically recompute this value every five years. This compassionate measure would relieve the burden on grieving litigants who, in the aftermath of a crime or quasi-delict, are already struggling with the immense pain of losing a loved one. It aims to ease their path in seeking just and fair indemnity without the added burden of substantiating and proving the same.

With regard to actual damages, the trial court pointed out that:

[I]n the counter-affidavit of Rodulfo Sumugat, he alleged therein, which was not contradicted by the plaintiffs, that notwithstanding the fact that the Lord and Lady Utopia is an unauthorized activity the [University] administration has paid for Cheryl Sarate's medical, funeral and other expenses. For these reasons, the damages that this [c]ourt will award are hereby equitably reduced as the circumstances merit.

....

Since there was no proof offered to prove that Cheryl was gainfully employed at the time of her death nor was there any basis to compute her necessary living expenses, actual damages cannot be granted.[188]

This is consistent with the Complaint, where respondent spouses only prayed for moral and exemplary damages.[189] However, the Court finds it important to reiterate that the grant of loss of earning capacity is not solely dependent on whether the deceased was gainfully employed at the time of their death. "Compensation of this nature is awarded not for loss of earnings but for loss of capacity to earn money." [190]

The Court, in several cases, has awarded loss of earning capacity for wrongful death among children who were not gainfully employed at the time of their death.[191] Further, courts are obligated to assess and award damages for the loss of earning capacity in instances of death caused by a crime or quasi-delict. The term "shall" in paragraph 1 of Article 2206 underscores this imperative duty and obligation. The statute makes a single exception when "the deceased on account of permanent physical disability not caused by the defendant, had no earning capacity at the time of [their] death." [192]

Although it is acknowledged that estimating the loss of earning capacity is inherently speculative, particularly in cases involving the untimely death of children, claimants must substantiate and prove such losses by a

preponderance of evidence.[193] Similar to other civil cases, documentary and/or testimonial evidence is sufficient as long as it is established with a reasonable degree of certainty.[194]

Here, the Court meticulously reviewed the case records to determine whether the respondents have sufficiently proved their entitlement to compensatory damages. Unfortunately, the records are bereft of any evidence. It appears improbable that the respondents submitted evidence to substantiate a claim for actual damages, including loss of earning capacity, since what they were claiming at the outset were awards for moral and exemplary damages.[195]

In any case, the Court, in awarding and determining the amount of damages in cases of wrongful death, must carefully consider all the unique, intricate, and complex circumstances surrounding each case. This requires a comprehensive evaluation of both tangible and intangible factors that contribute to the overall impact of the loss. The Court must take into account the specific nature of the relationship between the victim and the plaintiff, the financial and emotional dependency of the plaintiff on the deceased, and the potential future contributions the deceased would have made.

Additionally, due deference should be given to the victim's deliberate choice of reparation for the injury they endured, recognizing that the preference for a particular relief is often rooted in deeply personal and subjective considerations. After all, the injury—whether economic or non-economic, whether compensatory or moral or both—is highly dependent on the perspective of the party who sustained the same. This perspective shapes the perceived value of the loss and the appropriate form of damages, whether the claimant seeks to cover medical expenses, secure emotional solace, or address a combination of both economic losses and non-economic suffering. Therefore, the Court's role is not merely to apply a standard formula but to engage in a nuanced analysis that honors the victim's specific choice of remedy, ensuring that the awarded damages genuinely reflect the breadth and depth of their loss.

With regard to moral damages, the trial court reduced the amount to PHP 500,000.00 instead of the PHP 5,000,000.00 initially prayed for by the respondents:

Here, the mother of Cheryl alleged in the Complaint that her pain, anguish and anxiety was the worse a single mother could bear as she helplessly and personally witnessed her daughter grimacing in pain due to her injuries from July 20, 2006 to July 23, 2006. She saw the deformed face and body of her daughter almost completely burned and specially after hearing her daughter beg and plead for a longer life and assistance for the easement of her pains up to the point of her last death. The conditions to award moral damages having been complied with, the same is hereby granted but reduced from five million pesos as prayed for to five hundred thousand pesos ([PHP] 500,000.00) only.[196]

We modify.

Paragraph 3 of Article 2206 of the Civil Code expressly provides that "the spouse, legitimate and illegitimate descendants[,] and ascendants of the deceased may demand moral damages for mental anguish by reason of the death of the deceased." [197] This statutory provision contemplates the moral damage experienced by the heirs—in this case the respondents, because of the death of their daughter Cheryl.

Cheryl's parents, herein respondents, have been consistent and firm in their prayer of seeking moral damages by reason of the wrongful death of their daughter.[198] The Court can only imagine how excruciating it must have been to see their daughter, only 16 years of age and full of life, lying in a hospital bed, severely burnt, face barely recognizable due to its deformation, begging for her life. The grief that followed when Cheryl finally succumbed to death must have been the most intense form of sorrow they could have experienced in their entire lives. Worse, they were forced to face the agonizing reality that Cheryl, their precious daughter, will no longer be physically

present in their lives for the rest of their days. This is the gravity of their pain, their anguish, their anxiety.

As the injured party, respondents' deliberate choice of remedy can be readily seen from their Complaint's prayer, which this Court ought to heed and respect. The Court completely acknowledges that in filing this present Complaint, respondents, as parents, want their suffering, grief, and sorrow to be recognized and compensated in the form of moral damages. Thus, we deem it proper to increase the award of moral damages for Cheryl's death to PHP 5,000,000.00.

With regard to exemplary damages, the trial court likewise reduced the amount to PHP 200,000.00 instead of the PHP 2,000,000.00 initially prayed for by the respondents:

The law allows the grant of exemplary damages in cases such as this to serve as a warning to the public and as a deterrent against the repetition of this kind of deleterious actions. However, the two million exemplary damages prayed for should be tempered as it is not intended to enrich one party and to impoverish another. The reduction of the exemplary damages awarded to the [respondents] from [PHP] 2,000,000.00 to [PHP] 200,000.00.[199]

Again, we modify.

Here, it is established that each of the petitioners were grossly negligent. Petitioner Roble failed to supervise the Guild members despite being its duly appointed adviser. Petitioner Gobantes, as officer-in-charge of the safety and security of the social hall, failed to oversee and provide even the slightest safety measure during the event.[200] Petitioner Dequito, as director of Student Services and chief of Security Services of the University, failed to oversee and monitor the student activity in the campus. Petitioner Gordo, as director of the Corporate Enterprise Development Office, leased the social hall premises to the Guild members without implementing the necessary safety measures. Petitioner Sumugat, as vice president for Administration and officer-in-charge of the University, ardently failed to supervise his subordinates in the performance of their official duties.[201] All of these acts point to nothing short of the University's negligence, which ultimately led to Cheryl's death. Hence, the award of exemplary damages is in order.

However, these petitioners are not ordinary tortfeasors. They are teachers, officers, and directors of a school which, by law, has special parental authority and responsibility over minors under its supervision, instruction, or custody.[202] At the very least, petitioners should have conducted their school activities in a safe and careful manner because respondents, as parents, expected them to keep Cheryl, their minor child, well and safe. Petitioners miserably failed to do both.

In any event, punitive damages as discussed are meant to prevent the recurrence of such negligent conduct. It focuses on the reprehensibility of the defendant's act or omission rather than the resulting injury to the plaintiff. The amount needs to be high enough to achieve such purpose. Thus, the Court deems it proper to increase the award of exemplary damages for Cheryl's death to PHP 1,000,000.00.

With regard to attorney's fees, the Civil Code permits its award when, as in this instance, exemplary damages are imposed.[203] In all cases, the attorney's fees and expenses of litigation must be reasonable.[204]

Here, the trial court awarded attorney's fees equivalent to 20% of the total amount adjudged to the respondents.[205] However, the amount of damages have significantly increased, making the 20% rate unreasonable. Thus, the Court finds it just and equitable to modify the award to PHP 150,000.00. In any case, this amount would have represented the monetary value equivalent to the 20% rate initially imposed by the trial court had the Court fully affirmed the awarded damages.

Lastly, both the Regional Trial Court and the Court of Appeals failed to include interest on the award of damages.

In line with the pronouncement of this Court in *Nacar v. Gallery Frames*,^[206] the total monetary awards pronounced in this Decision shall earn legal interest at the rate of 6% per annum, reckoned from the date of finality of this Decision until their full satisfaction.

A FINAL WORD

This Court does not mean to put a price to a person's life. The value of a human being is immeasurable. It is priceless. Yet the law, in all of its justice, deems it necessary that every injury—more so the loss of life—be compensated in the form of damages.^[207] Life is precious. No amount of damages can ever hope to replace it. Regrettably, this is the utmost extent to which the Court can intervene.

ACCORDINGLY, the Petition for Review on Certiorari is DENIED. The Court of Appeals's August 31, 2018 Decision and May 23, 2019 Resolution in CA-G.R. CV NO. 04623-MIN are AFFIRMED with MODIFICATION in that petitioners are hereby ordered to pay respondents Antonio and Rosita Sarate, jointly and severally, the following amounts as damages:

(1)

Civil indemnity of PHP 300,000.00 for the death of Cheryl Sarate;

(2)

Moral damages of PHP 5,000,000.00;

(3)

Exemplary damages of PHP 1,000,000.00; and

(4)

Attorney's fees of PHP 150,000.00.

The total monetary amount due shall earn legal interest of 6% per annum, reckoned from the time of finality of this Decision until its full satisfaction.

SO ORDERED.

Gesmundo, C.J., Hernando, Lazaro-Javier, Inting, Zalameda, Gaerlan, Rosario, Marquez, and Villanueva, JJ., concur.

Caguioa, J., see separate opinion.

Lopez,^[*] J., on official leave but left a concurring vote.

Dimaampao^{[*][*]} and Kho, Jr.,^{[*][*]} JJ., on official leave.

Singh,^{[*][*][*]} J., on official business but left a concurring vote.

[*] On official leave but left a concurring vote.

[*][*] On official leave.

[*][*][*] On official business but left a concurring vote.

[1] JAY NEUGEBOREN, AN ORPHAN'S TALE 154 (1976).

[2] Jill Wieber Lens, Children, Wrongful Death, and Punitive Damages, 100 B.U.L. REV. 437, 440 (2020).

[3] Id.

[4] Rollo, pp. 9-28.

[5] Id. at 30-43. The August 31, 2018 Decision was penned by Associate Justice Oscar V. Badelles and was concurred in by Associate Justices Romulo V. Borja and Tita Marilyn Payoyo-Villordon of the Twenty-First Division, Court of Appeals, Cagayan de Oro City.

[6] Id. at 54-63. The December 22, 2014 Order was penned by Judge Virginia Hofileña-Europa of Branch 11, Regional Trial Court, Davao City.

[7] Id. at 64-77. The October 7, 2014 Decision was penned by Judge Virginia Hofileña-Europa of Branch 11, Regional Trial Court, Davao City.

[8] Also spelled as "Cheryll Sarate" in some parts of the rollo.

[9] Rollo, p. 31.

[10] Id. at 32.

[11] Id.

[12] Id.

[13] Id.

[14] Id. at 32-33.

[15] Id. at 33.

[16] Id.

[17] Id. at 64-77.

[18] Id. at 71.

[19] Id.

[20] CIVIL CODE, art. 2180 states:

ARTICLE 2180. The obligation imposed by Article 2176 is demandable not only for one's own acts or omissions, but also for those of persons for whom one is responsible.

Employers shall be liable for the damages caused by their employees and household helpers acting within the scope of their assigned tasks, even though the former are not engaged in any business or industry.

Lastly, teachers or heads of establishments of arts and trades shall be liable for damages caused by their pupils and students or apprentices, so long as they remain in their custody.

The responsibility treated of in this article shall cease when the persons herein mentioned prove that they observed all the diligence of a good father of a family to prevent damage.

[21] CIVIL CODE, art. 2176 states:

ARTICLE 2176. Whoever by act or omission causes damage to another, there being fault or negligence, is obliged to pay for the damage done. Such fault or negligence, if there is no pre-existing contractual relation between the parties, is called a quasi-delict and is governed by the provisions of this Chapter.

[22] Rollo, pp. 74-75.

[23] Id. at 76-77.

[24] Id. at 54-63.

[25] Id. at 62.

[26] Id. at 30.

[27] Id. at 30-43.

[28] Id. at 35.

[29] Id. at 36-37.

[30] Id. at 38.

[31] Id.

[32] Id. at 40.

[33] Id. at 42.

[34] Id. at 43.

[35] Id. at 44-49.

[36] Id. at 51-53. The May 23, 2019 Resolution was penned by Associate Justice Oscar V. Badelles and concurred in by Associate Justices Walter S. Ong and Florencio M. Mamauag, Jr. of the Special Former Special Former Twenty-First Division, Court of Appeals, Cagayan de Oro City.

[37] Id. at 9-28.

[38] Id. at 9-14.

[39] Id. at 123-128.

[40] Id. at 124-125.

[41] Pascual v. Burgos, 776 Phil. 167, 183 (2016) [Per J. Leonen, Second Division].

[42] Rollo, pp. 22.

[43] Id. at 39-40.

[44] FAMILY CODE, art. 219.

[45] Rollo, pp. 40-41.

[46] Id. at 41-42.

[47] Id. at 71.

[48] Id. at 40.

[49] John Fabian Witt, From Loss of Services to Loss of Support: The Wrongful Death Statutes, the Origins of Modern Tort Law, and the Making of the Nineteenth-Century Family, 25 LAW & SOC. INQUIRY 717, 722 (2000).

[50] Jill Wieber Lens, Children, Wrongful Death, and Punitive Damages, 100 B.U.L. REV. 437, 445 (2020).

[51] Id.

[52] John Fabian Witt, From Loss of Services to Loss of Support: The Wrongful Death Statutes, the Origins of Modern Tort Law, and the Making of the Nineteenth-Century Family, 25 LAW & SOC. INQUIRY 717, 719 (2000).

[53] Id. at 722.

[54] Id. at 719-720.

[55] Id. at 723.

[56] Id.

[57] Id.

[58] Id. at 724.

[59] Id. at 724-725.

[60] Id. at 727.

[61] Id.

[62] Id. at 730.

[63] Id. at 734.

[64] Id. at 735.

[65] Id.

[66] Id. at 737.

[67] Jill Wieber Lens, Children, Wrongful Death, and Punitive Damages, 100 B.U.L. REV. 437, 446 (2020).

[68] John Fabian Witt, From loss of Services to Loss of Support: The Wrongful Death Statutes, the Origins of Modern Tort Law, and the Making of the Nineteenth-Century Family, 25 LAW & SOC. INQUIRY 717, 740 (2000).

[69] Id. at 740-741.

[70] Id. at 742.

[71] Id. at 741.

[72] Id. at 746.

[73] Id. at 745.

[74] Id.

[75] Jill Wieber Lens, Children, Wrongful Death, and Punitive Damages, 100 B.U.L. REV. 437, 441 (2020).

[76] Id. at 451.

[77] Id. at 454.

[78] Id. at 461.

[79] Id.

[80] Id.

[81] Id. at 462.

[82] Id. at 463.

[83] Id. at 459.

[84] Id.

[85] Gilman & Bedigian, Tort Reform and the Value of Human Life, available at <https://www.gilmanbedigian.com/tort-reform-and-the-value-of-human-life/> (last accessed on March 14, 2024).

[86] Id.

[87] Roy L. Lassiter Jr., Estimating the Monetary Value of Damages in Negligence Cases Involving Death, 15 U. FLA. L. REV. 384 (1962).

[88] William J. Aceves, Valuing Life: A Human Rights Perspective on the Calculus of Regulation, 36(1) LAW & INEQUAL. 4 (2018).

[89] Alfred E. Hofflander, The Human Life Value: An Historical Perspective, 33 THE JOURNAL OF RISK AND INSURANCE 3, 381 (1966).

[90] Id. at 384.

[91] Id.

[92] Id.

[93] Id. at 386, as cited in Jacob L. Greene, An Agent's Work, Hartford: Connecticut Mutual Life Insurance Co., 1-2 (1885).

[94] Id. at 387.

[95] Id. at 388.

[96] George Gold, Estimating the Value of a Human Life. You're Worth More Than You Think!, available at <https://solopracticeuniversity.com/2018/01/30/estimating-the-value-of-a-human-life-youre-worth-more-than-you-think/> (last accessed on March 14, 2024).

[97] W. Kip Viscusi, The Value of Life in Legal Contexts: Survey and Critique, 2 AMERICAN LAW & ECON. REV. 195, 208 (2000).

[98] Id.

[99] Id. at 195-196.

[100] *Id.* at 197.

[101] Gilman & Bedigian, Tort Reform and the Value of Human Life, available at <https://www.gilmanbedigian.com/tort-reform-and-the-value-of-human-life/> (last accessed on March 14, 2024).

[102] W. Kip Viscusi, The Value of Life in Legal Contexts: Survey and Critique, 2 AMERICAN LAW & ECON. REV. 195, 214 (2000).

[103] Thomas R. Ireland, Damage Standards for Wrongful Death/Survival Actions: Loss to Survivors, Loss to the Estate, Loss of Accumulations to an Estate, and Investment Accumulation, 22 J. LEGAL ECON. 5, 6 (2016).

[104] *Id.* at 7.

[105] *Id.*

[106] Roy L. Lassiter Jr., Estimating the Monetary Value of Damages in Negligence Cases Involving Death, 15 U. FLA. L. REV. 384, 385 (1962).

[107] *Id.*

[108] Jill Wieber Lens, Children, Wrongful Death, and Punitive Damages, 100 B.U.L. REV. 437, 466 (2020).

[109] Leonard Decof, Damages in Actions for Wrongful Death of Children, 47 NOTRE DAME L. REV. 197, 201 (1971).

[110] Jill Wieber Lens, Children, Wrongful Death, and Punitive Damages, 100 B.U.L. REV. 437, 462 (2020).

[111] *Id.* at 469.

[112] *Id.* at 470.

[113] *Id.* at 470-471.

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[115] Hedonic Damages: A Comprehensive Guide to Life's Intangible Value, available at <https://legal-resources.uslegalforms.com/h/hedonic-damages#what-to-do> (last accessed on October 28, 2025).

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[118] Leonard Decof, Damages in Actions for Wrongful Death of Children, 47 NOTRE DAME L. REV. 197, 205 (1971).

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[153] See *Abrogar v. Cosmos Bottling Co.*, 807 Phil. 317, 371 (2017) [Per J. Bersamin, Third Division].

[154] See *Villa Rey Transit, Inc. v. Court of Appeals*, 142 Phil. 494 (1970) [Per C.J. Concepcion, Second Division].

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[159] 822 Phil. 561 (2017) [Per J. Leonen, Third Division].

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[193] *Torreon v. Aparra Jr.*, 822 Phil. 561, 583 (2017) [Per J. Leonen, Third Division].

[194] Id. at 583-584.

[195] Rollo, p. 66.

[196] Id. at 76.

[197] CIVIL CODE, art. 2206(3).

[198] Id. at 66.

[199] Id. at 75.

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[202] FAMILY CODE, art. 218.

[203] CIVIL CODE, art. 2208.

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[205] Rollo, p. 76.

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SEPARATE OPINION

CAGUIOA, J.:

I concur with the ponencia's affirmation of the substantial findings of the Court of Appeals (CA) in this case, including its more important appreciation of a need for a significant modification on the amount of death indemnity and other damages. The ponencia increases the civil indemnity for death resulting from a quasi-delict in order to update it vis-à-vis the current purchasing power of the Philippine peso.[1]

Indeed, the indemnity for death primarily serves a compensatory purpose and must be adjusted to reflect current economic conditions, lest the goal of providing just indemnification becomes meaningless.[2] On this point, I agree that all attempts at truly quantifying the value of any human life for purposes of indemnification may only ever come up to a rough approximation of the same by way of formulas, and that the PHP 100,000.00 as last adjusted by the Court in 2013 is now insufficient. I further agree and submit that it is incumbent upon the Court to adjust the same, as it does, in consideration of indicators that must drive its increase.

Pertaining to the increase of civil indemnity on account of death, I thank the ponente for adopting the suggestion I previously raised, i.e., increasing the amount to PHP 300,000.00. I thank the ponente as well for the adopted observation that the transposition of the principles of determination of just compensation in the case of *Sec. of the Dep't of Public Works and Highways v. Sps. Tecson*[3] (*Sps. Tecson*) for the computation of the present value of money may approximate the warranted civil indemnity amount, but that a more accurate range of considerations is more instructive to effectively increase the indemnity[4] in order to embrace the broader need to compensate for the loss of human life. As I previously opined, using the formula used in the case of *Sps. Tecson* would have the Court arrive at the amount of PHP 141,000.00[5]—an amount which may only reflect the mathematical increase of the amount determined in 2013, but fails to account for other factors that impact the same.

On this point, it is my considered view that applying the *Sps. Tecson* formula to the computation of death indemnity is not entirely appropriate in view of the conceptual difference between the loss sought to be indemnified in the two juxtaposed situations. Consequently, to my mind, a transposition of the just compensation formula onto the computation of the civil indemnity that is due as a result of a death may run the costly risk of severely undervaluing or otherwise over-restricting the latter.

On the one hand, in *Sps. Tecson*, as in all other just compensation cases where the compensation is paid after a passage of a significant length of time from the date of taking, the present value of money largely took into account the compounding of interests that should be incurred by the amount of just compensation that was owed to the private owner but was not timely paid. Notably, the configuration of the circumstances in *Sps. Tecson* was

unique, given: (i) the sheer number of years (55 years) between taking and judicial demand; (2) its silence as to a more definitive guideline on when interest may be compounded from judicial demand and when it may be applied straight if the implied basis is the lapse of time between taking and judicial demand; and (3) the fact that the ratio for the compounding of interest on the just compensation was not categorically based on the length of time that lapsed between taking and demand, but on the fact that the payment of just compensation was an effective forbearance on the part of the State.

In contrast, in the case at bar, the anchor of the re-computation of the civil indemnity for a death on account of a quasi-delict does not go into a discourse of compounded or straight interests, nor does it delve into the typical appreciating value of real properties that are subject of the taking. Here, the difficult nuance is that the value of life, the quantification of the same, and the corollary monetary value of the loss and the grief suffered as a result are the subject of the computation.

Furthermore, while it may be true that the formula in *Sps. Tecson* simply seeks to compute what a fixed sum in 2013 would be worth at present and is merely a basic economic equivalence, that very same premise, i.e., that all that is required to adjust the amount of death indemnity is a plain application of basic economic equivalence across time to factor in inflation, is inaccurate and incomplete, in light of all the other factors that are not immediately capable of pecuniary estimation but do bear upon the appreciation of the loss suffered by virtue of a person's death.

On this, I once more submit that the foregoing juxtaposition, i.e., between appreciation and inflation factored in the determination of just compensation vis-à-vis the determination of just death indemnity, conceptually draws two very distinct subject matters, purposes and legal ethos of both re-computations, so that the principles in *Sps. Tecson*, while parallel with the principles that guide the case at bar, may not necessarily justify a direct application of the formula in the former to the computation in the latter.

For while the computation of just compensation due to a private property owner upon a lapse of time is essentially reducible to the appreciated value of the expropriated property in relation to the varying purchasing power of the peso, a death indemnity conceptually embraces far more than just an eroding purchasing power of the relevant currency, but inevitably covers questions that pertain to an honest attempt to make the bereaved of the deceased "whole again"[6] even as it must inevitably fall short of a perfect compensation.[7]

To my mind, the matter of laying down the formula that the courts must apply to the regular re-computation of the appreciated value of death indemnity must best benefit from the institutional guidance of government agencies that deal precisely with the matter of appreciating values, as well as the legislative policy groundwork informed by the same, which may not be so quickly precluded.

Consequently, therefore, in the determination of the appropriate amount for civil indemnity on account of death, the Court is compelled to broaden its scope of factors for consideration. For this, the Court is not precluded from studying, albeit not solely relying on, the factors that the Legislature is considering.

In fact, since the last adjustment in 2013, two Senate bills have been proposed to increase the minimum amount of damages for the wrongful death caused by a crime or negligence:

1)

In 2020, Senator Franklin Drilon (Senator Drilon) filed a bill to increase the minimum amount at PHP 300,000.00, citing that the gruesome nature of deaths subject of recent case outcomes could have warranted higher awards, but courts have been reluctant to deviate from the amounts fixed by jurisprudence.[8]

2)

Similarly, in 2014, Senator Miriam Defensor Santiago (Senator Defensor Santiago) filed a bill to increase the minimum amount at PHP 500,000.00, arguing that a drastic increase was necessary to deter killing, as it appeared less costly than causing injury, citing a comparison of two cases decided by the Court.[9]

As well, in the House of Representatives, five House bills have also been filed aiming to increase the amount of damages for death caused by a crime or quasi-delict:

1)

In 2024, Representative Margarita Ignacia Nograles filed a bill to clarify that the amounts provided by the law is only the minimum, and that courts are empowered to use their discretion in granting a higher amount, based on the rate of inflation and circumstances unique to the case. She also observed that it became common practice for courts to award death indemnity only within the minimum amount.[10]

2)

In 2023, a related bill was filed by Representative Ma. Alana Samantha Taliño Santos citing similar justifications.[11]

3)

Finally, in 2022, Representative Gustavo Tambunting filed a bill to increase the minimum amount at PHP 300,000.00 citing the same reasons cited by Senator Drilon.[12] This bill was also filed in 2020.[13]

For its part, the Bangko Sentral ng Pilipinas also employs its own inflation-adjusted values which take into account the Philippine consumer price index as its base reference. Perhaps, while the value may not necessarily be widely different from the value that the Sps. Tecson formula will arrive at, a different formula, taking into account perhaps slightly different indicators and factors than property values and applicable interest rates, would be most accurate.

It bears reiterating, as well, that while it is not espoused that House Bills pending before Congress be used as the full basis of the Court's determination of the adjusted amount of death indemnity, it must be recognized that House Bills nevertheless provide a host of plausible indicators that can guide the Court on this matter. In other words, far from being Legislature-led, the Court, in its own authority, is simply not precluded from being informed of the Legislature's willingness to increase the indemnity amounts, the factors it considers in such a determination, and the amount it arrives at through its process. This is with due regard to the fact that the matter of the appreciated value of death indemnity must best benefit from the full body of considerations that bear upon appreciating values, as well as the legislative policy groundwork that inform the same.

I note that the ponencia cautions that the Court's consideration of the gauges and factors that proposed House bills have considered in determining the proper death indemnity may be deemed as the Court's reliance on the same. On the contrary, however, and short of committing judicially legislating its wisdom, the Court is not prevented from broadening the sphere of factors and considerations that it may examine in order to arrive at a more accurate, more just formula for determining death indemnity in today's time, other than reducing its determination to a more bare economic equivalence.

To be sure, the Court's considered examination of all plausible factors that bear upon the computation of the amount of death indemnity, including those that have been considered by the pending House bills, cannot be within the contemplation of a possible risk of breach of the doctrine of separation of powers. Certainly, the

powers of the Judiciary and the Legislature are well distinguished. Within its clearly delineated province, the Court is not rendered blind to the factors that imbue value to a human life, nor is it straitjacketed against giving due weight to the same for the simple reason that the Legislature has also, in its wisdom, considered them. Demonstrably, the Court need not judicially legislate for it to be circumspect and attentive to the profoundness of the loss suffered upon someone's death, and the utter inadequacy of economic formulas to monetarily approximate that grief.

To be sure, in many jurisdictions, the determination of death indemnity is seen as a societal rather than a strictly judicial matter.[14] From an ethical standpoint, the amount of indemnity ought to reflect a fair measure of what society deems just compensation for a victim's loss or suffering. If indemnity amounts are set by society, through legislative legislation, it may allow for more dynamic adjustments that could reflect current economic conditions, societal values, and changes in the cost of living. This contrasts with judicial decisions, which may be based on precedent and might not adapt as quickly to societal changes. Legislatures could establish ranges for indemnity, providing a framework within which the judiciary can exercise discretion balancing societal input with legal expertise. As the Court itself in *Sps. Tecson* cautions:

This Court had steadfastly adhered to the doctrine that its first and fundamental duty is the application of the law according to its express terms, interpretation being called for only when such literal application is impossible. To entertain other formula for computing just compensation, contrary to those established by law and jurisprudence, would open varying interpretation of economic policies — a matter which this Court has no competence to take cognizance of.[15] (Citation omitted)

Finally, I submit that, to fully grasp changes in purchasing power vis-à-vis death indemnity, broader economic indicators beyond inflation should be considered, including factors like cost of living, wage growth, and economic stability. For instance, if wages have not kept pace with inflation, the real income of individuals might have decreased, further diminishing the effective value of money. A comprehensive review of the fitting amount of civil indemnity must appreciate these multifaceted economic elements to ensure that any adjustments reflect the true current economic environment. This is perhaps foremost in the context of valuation of the suffering resulting from the loss a human life.

And yet, the Court is not at a loss when it comes to indicators that point in the direction of the multifaceted factors as they have been appreciated by the Legislature. Specifically, a brief look at the pending House and Senate Bills on the matter of civil indemnity paints for the Court a clearer picture of the Legislature's willingness to adjust civil indemnity by reason of death to the amount of at least PHP 300,000.00, the amount the ponencia now also adopts.

For one, enlightening is Senate Bill No. 2513 of the 16[th] Congress, where then Senator Defensor Santiago proposed the amount of civil indemnity on account of death due to crime or quasi-delict at PHP 500,000.00, on the main premise that without estimating a higher cost for death indemnity, it may be conceivable that compensatory damages for injury may be higher when compared to civil indemnity on account of death. With the civil indemnity then only set at PHP 50,000.00, Senator Defensor Santiago sought to justify the increase to PHP 500,000.00 to avoid a seemingly unwitting consequence, viz.:

It has become clear, however, that P50,000.00 may no longer be deemed just civil indemnification to the heirs of the deceased victim [of] a crime or quasi-delict for the reason that one's total liability for causing death may be smaller than one's liability should he only cause serious physical injuries resulting in the incapacitation of the victim. Stated simply, it may be cheaper to kill than to injure. (Emphasis supplied)

For another, in Senate Bill No. 1276 of the 18[th] Congress, sponsored by then Senator Drilon, the proposal opined, thus:

It has been lamented that the gruesome nature of deaths subject of recently decided cases would have warranted a higher award but that courts have been hesitant to depart from the amounts fixed by jurisprudence. To address this, we are introducing amendments clarifying that the amounts provided in the law are only the minimum and that the courts are empowered to use their discretion in granting a higher amount, based on the rate of inflation and circumstances unique to the case. Without saying that human life or human suffering has an equivalent price or cost, the minimum amount is also raised to P300,000.00 for death indemnity, and P200,000.00 for moral and exemplary damages. (Emphasis supplied)

In the case at bar, while it is impossible to approximate the financial cost of the loss suffered by the Spouses Sarate over the death of their daughter, and given that the same approximation of loss cannot be justly pigeon-holed into a straightforward computation of variance in peso value across a lapse of time, I concur that the Court is not precluded from determining the nearest just amount. On this ultimate point, I find that the Court does not err in considering the legislative readiness to increase to PHP300,000.00 as its sounder index to increase the current civil indemnity for death at the same amount.

It is apropos to recall the Court's sobering reminder in the 2016 case of *People v. Oandasan*,^[16] which astutely describes the conundrum of the attempt at approximating death indemnity, and the need to be circumspect in its estimation:

We start by reminding that human life, which is not a commodity, is priceless. The value of human life is incalculable, for no loss of life from crime or quasi-delict can ever be justly measured. Yet, the law absolutely requires every injury, especially loss of life, to be compensated in the form of damages. For this purpose, damages may be defined as the pecuniary compensation, recompense, or satisfaction for an injury sustained, or, as otherwise expressed, the pecuniary consequences that the law imposes for the breach of some duty or the violation of some right. As such, damages refer to the amount in money awarded by the court as a remedy for the injured. Although money has been accepted as the most frequently used means of punishing, deterring, compensating and regulating injury throughout the legal system, it has been explained that money in the context of damages is not awarded as a replacement for other money, but as substitute for that which is generally more important than money; it is the best thing that a court can do. Regardless, the civil indemnity for death, being compensatory in nature, must attune to contemporaneous economic realities; otherwise, the desire to justly indemnify would be thwarted or rendered meaningless. This has been the legislative justification for pegging the minimum, but not the maximum, of the indemnity.^[17] (Emphasis supplied, citations omitted)

I, therefore, submit that, all the foregoing considered, the civil indemnity for death as a result of a quasi-delict is correctly increased to a minimum amount of PHP 300,000.00. To my mind, it is the amount that the legislative intent evidently already supports and, more importantly, justice requires. So too, I agree with the ponencia's guidance to the effect that, without need of arty legislation, the Court must automatically recompute the same value every five years^[18] to ensure that the amount is constantly sensitive to the current valuation of the peso, even as it admits more than just the economic valuation of human life.

ACCORDINGLY, I vote to DENY the petition with MODIFICATION as to the increased amount of civil indemnity.

[1] Ponencia, p. 34.

[2] *People v. Oandasan*, 787 Phil. 139, 163 (2016) [Per J. Bersamin, En Banc].

[3] 758 Phil. 604 (2015) [Per J. Peralta, En Banc].

[4] Ponencia, pp. 34-37.

[5] Id. at 37.

[6] Jose Nicetas S. Dimaculangan & Paula Katherina A. Gan, The Problem of Pain: Approximating Damages For Loss of Earning Capacity, 82 PHIL. L.J. 150 (2007).

[7] Id. at 150-151.

[8] SB No. 1276, 18[th] Congress (2020), available at https://senate.gov.ph/legacy/lis_bills/3216829012!.pdf (last accessed on November 24, 2025).

[9] SB No. 2513, 16[th] Congress (2014), available at <https://legacy.senate.gov.ph/lisdata/2026517373!.pdf> (last accessed on November 24, 2025).

[10] HB No. 10126, 19[th] Congress (2024), available at https://docs.congress.hrep.online/legisdocs/basic_19/HB10126.pdf (last accessed on November 24, 2025).

[11] HB No. 9597, 19[th] Congress (2023), available at https://docs.congress.hrep.online/legisdocs/basic_19/HB09597.pdf (last accessed on November 24, 2025).

[12] HB No. 3857, 19[th] Congress (2022), available at https://docs.congress.hrep.online/legisdocs/basic_19/HB03857.pdf (last accessed on November 24, 2025).

[13] HB No. 7094, 18[th] Congress (2020), available at https://docs.congress.hrep.online/legisdocs/basic_18/HB07094.pdf (last accessed on November 24, 2025); HB No. 7584, 18[th] Congress (2020), available at https://docs.congress.hrep.online/legisdocs/basic_18/HB07584.pdf (last accessed on November 24, 2025).

[14] Felix Chan Wai Hon & Chan Wai Sum, On Revising the Amount of Statutory Bereavement Awards in Singapore (2023), available at <https://law1a.nus.edu.sg/sjls/articles/SJLS-Sep-23-481.pdf> (last accessed on November 24, 2025).

[15] Sec. of the Dep't of Public Works and Highways v. Sps. Tecson, *supra* note 3, at 648.

[16] *Supra* note 2.

[17] Id. at 163.

[18] Ponencia, p. 39.

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