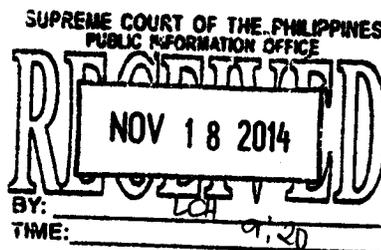




Republic of the Philippines  
Supreme Court  
Manila



FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **October 13, 2014** which reads as follows:*

*“G.R. No. 201720 – (PEOPLE OF THE PHILIPPINES, plaintiff-appellee vs. **BERNABE<sup>1</sup> BATAYOLA y ORTEGA**, accused-appellant.)*

This is an appeal from a conviction for the crime of murder.

The records show that:

“On September 2, 2001, around 7:00 or 7:30 in the evening, victim Geraldo Lauron was stabbed with a knife in an alley in a “squatters area” somewhere at Third (3<sup>rd</sup>) Avenue, Caloocan City, Metro Manila, by appellant Bernabe Batayola.

Victim Geraldo Lauron y Tadea (Geraldo Lauron) was walking in the above-mentioned alley which was just about one (1) arm's length wide with his mother Mrs. Nida Lauron who was more or less just two (2) meters behind him. Appellant Batayola, who was also in the alley in front of both the victim and the mother, uttered “*nandito ka pala pare*” and suddenly put his arm around the victim and stabbed him in his right mammary region or on the right chest.

After stabbing Geraldo Lauron, appellant Batayola said “*sira ulo na ako ngayon*”. Geraldo on the other hand, taken aback by the sudden attack, was reduced to merely uttering, “*aray pare, bakit sinaksak mo ako?*”

<sup>1</sup> Bernardo in other parts of the records: “xxx the Court finds accused Bernardo Batayola y Ortega xxx”, *Ca Rollo*, p. 34; “xxx the Court finds accused Bernardo Batayola y Ortega xxx” *CA Rollo*, p. 99.

Geraldo Lauron dropped to the ground his eyes fixed at his shocked mother. The victim Geraldo Lauron's father seeing his son on the ground shouted for help - "*Tulongan mo kami kapitbahay dahil sinaksak ang anak ko.*"

Neighbors came to help Geraldo Lauron. Jeffrey Dadulla and one Kuya Danny helped board Geraldo Lauron, who at that time was already unconscious and hardly breathing, to be brought to the hospital. Geraldo Lauron's father and wife brought him to a hospital in Tondo, Manila.<sup>2</sup>

At the hospital, Geraldo Lauron died.

"xxx Dr. Romeo T. Salen, who conducted the autopsy on the body found that Lauron sustained one (1) stab wound "caused by a sharp bladed weapon." Dr. Salen explained the contents of the Medico Legal Report saying that "there is a lone stab wound on the right mammary region or on the right chest, and it measures 3 x 0.5 cms. and is 11 cm. deep xxx, the upper and lower lobe of the right lung was hit."<sup>3</sup>

Bernabe Batayola was charged with murder, as the killing of the victim was allegedly attended with treachery.

In his defense, Batayola claims that:

"On September 2, 2001 at 7:00 p.m., he was at home sleeping; that there was a noise coming from the stairs. So, he went near the door; and when the door was opened, he saw the victim in this case; that he was rattled because he (victim) was rushing towards him with a bladed weapon; that the victim tried to stab him, so he parried the victim's hand but the victim boxed him on his face with his other hand; that he grabbed the bladed weapon from the victim's hand, was able to push him."<sup>4</sup>

The RTC found Batayola guilty beyond reasonable doubt as charged. It found that the stabbing of the victim was attended by treachery as the victim was left in no position to defend himself. Batayola was sentenced to suffer the penalty of *reclusion perpetua*. He was further ordered to indemnify the heirs of the offended party in the amount of P50,000.00, as indemnity *ex-delicto*, actual damages in the amount of P28,267.00, exemplary damages in the amount of P100,000.00 and moral damages in the amount of P100,000.00.

The CA denied the appeal and affirmed the RTC's decision.

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<sup>2</sup> CA Rollo, pp. 100-101.

<sup>3</sup> CA Rollo, pp. 101-102.

<sup>4</sup> CA Rollo, pp. 31-32.

The CA's Decision<sup>5</sup> held that:

“The findings of the trial court are supported by the clear, convincing and untainted testimonies of no less than two eyewitnesses who saw what happened and had no interest in raising false charges against appellant. The testimony of even a lone eyewitness, if found positive and credible by the trial court, is sufficient to support a conviction especially when the testimony bears the earmarks of truth and sincerity and had been delivered spontaneously, naturally and in a straightforward manner. Here, not just one but two eyewitnesses testified as to the appellant's commission of the crime. The fact that the witnesses were emotionally close to the victim, with one being his mother, only compels us to believe that they could not have falsely accused appellant if their natural intention was to punish the actual perpetrator of the crime.

In fact, there is nothing incredible either in the prosecution witnesses' testimonies nor the witnesses themselves. All eyewitnesses, as well as the appellant and the victim were known to each other, being next-door neighbors in the same compound on Josefina St., 3<sup>rd</sup> Avenue, Caloocan City. There was no possibility of wrong identification. The crime also took place early in the evening in an alley that was illuminated by light coming from surrounding houses.”<sup>6</sup>

#### ISSUE BEFORE THE COURT:

Whether or not appellant Batayola is guilty beyond reasonable doubt of the crime of murder.

#### **THE COURT'S RULING**

The Court resolves to **DISMISS** the appeal. The Court entertains no doubt as to the culpability of appellant. Both the RTC and the CA found that appellant's guilt was proven by positive and categorical testimonies of eyewitnesses, supported by the physical evidence, and the testimony of a medico-legal expert.

**WHEREFORE**, the Court **ADOPTS** the findings of fact and conclusions of law in the March 31, 2011 Decision of the CA in CA-G.R. CR-H.C. No. 03254 and **AFFIRMS** said Decision with **MODIFICATIONS** as to damages finding appellant Bernabe Batayola y

<sup>5</sup> Penned by CA Associate Justice Rebecca de Guia-Salvador with CA Justices Seginando E. Villon and Amy C. Lazaro-Javier, concurring. pp. 127-137.

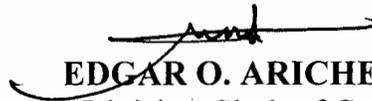
<sup>6</sup> *CA Rollo*, pp. 133-134.

Ortega guilty beyond reasonable doubt of murder and sentences him to suffer the penalty of *reclusion perpetua*.

He is further ordered to indemnify the heirs of the offended party in the following amounts: (1) P28,767.00 as actual damages; (2) P75,000.00 as civil indemnity (3) P75,000.00 as moral damages; and 4) P30,000.00 as exemplary damages.

**SO ORDERED.”**

Very truly yours,

  
**EDGAR O. ARICHETA**  
Division Clerk of Court *gk 2/14*  
**95**

The Solicitor General (x)  
Makati City

Court of Appeals (x)  
Manila  
(CA-G.R. CR H.C. No. 03254)

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No. 12-1-7-SC)

The Hon. Presiding Judge  
Regional Trial Court, , Br. 129  
1400 Caloocan City  
(Crim. Case No. C-63564)

Judgment Division (x)  
Division

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