



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **13 July 2020** which reads as follows:*

G.R. No. 247910 (*People of the Philippines, Plaintiff-Appellee, v. Odlanier Bautista y Patdo @ Yer, John Doe One, alias Tate, John Doe Two, John Doe Three, and John Doe Four, Accused; Odlanier Bautista y Patdo @ Yer, Accused-Appellant*). — Considering the allegations, issues, and arguments presented in the Accused-Appellant’s and Appellee’s Briefs,¹ which the parties adopted instead of filing their respective Supplemental Briefs, the Court resolves to **DISMISS** the appeal for failure to sufficiently show that the Court of Appeals (CA) in its Decision² dated October 17, 2018 committed any reversible error in upholding the conviction of Odlanier Bautista y Patdo @Yer (accused-appellant) for the crime of Murder.

A careful review of the records shows that Marlon C. Bautista (Marlon) never wavered in his positive identification of accused-appellant as one of the persons who killed Ryan S. Dellota (the victim) by stabbing him on his head and chest. Marlon’s lone testimony, which was found to be positive and credible by both the RTC and the CA, is sufficient to establish accused-appellant’s guilt beyond reasonable doubt of the crime charged. After all, it is well settled that “the testimony of a single witness, if straightforward and categorical, is sufficient to convict.”³

There is likewise no question that the killing of the victim was committed with abuse of superior strength, which, in turn, *qualified* the crime to Murder under Article 248 of the Revised Penal Code. The

¹ CA rollo, pp. 36-54 and pp. 78-94.

² Rollo, pp. 3-13; penned by Associate Justice Priscilla J. Baltazar-Padilla, with Associate Justices Victoria Isabel A. Paredes and Maria Elisa Sempio-Diy, concurring.

³ *People v. Callao*, G.R. No. 228945, March 14, 2018.

Medico-Legal Report No. A13-595SPD⁴ of Dr. Voltaire P. Nulud (Dr. Nulud), Medico Legal Officer of the Philippine National Police, Southern Police District Laboratory Office, Makati City, shows that the victim did not sustain any defense wound that would show that he was able to offer a defense or resist the attack employed by the assailants.⁵ As aptly ruled by the CA, the absence of a single defense wound on the victim is indicative of the fact that accused-appellant and his companions took advantage of their superior strength over him.

WHEREFORE, the Court **ADOPTS** the findings of fact and conclusions of law of the Court of Appeals in its Decision dated October 17, 2018 in CA-G.R. CR HC No. 09873, and **AFFIRMS** *in toto* the Decision finding accused-appellant Odlanier Bautista y Patdo @Yer guilty beyond reasonable doubt of the crime of Murder under Article 248 of the Revised Penal Code, as amended, sentencing him to suffer the penalty of *reclusion perpetua*, and ordering him to pay the heirs of the victim the amounts of ₱101,497.00 as actual damages, ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages. In addition, interest shall be imposed on all monetary awards at the rate of 6% *per annum* from the finality of this Resolution until fully paid.

SO ORDERED."

Very truly yours,


TERESITA AQUINO TUAZON
Deputy Division Clerk of Court

09 SEP 2020

p 9/7

⁴ Record, p. 145.

⁵ TSN, May 18, 2016, p. 131.

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HON. PRESIDING JUDGE (reg)
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(Crim. Case No. 14-1241)

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Please notify the Court of any change in your address.
GR247910. 7/13/2020(116)URES **14/7**