

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE VS. CLAUDIO ORDONIO, DEFENDANT AND APPELLANT.

G.R. No. L-1774. December 14, 1948

Ponente: PERFECTO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/3462251fbf7c/>

PERFECTO, J.:

The witnesses for the prosecution testified in substance as follows:

- Pedro M. Villarosa, 34, married, physician, testified that Exhibits A and B are the medical certificates he issued on October 7, 1947, upon the post-mortem examination he made of the bodies of Rufo and Antonio Lajera. (4-5). He found post-mortem rigidity and three gunshot sounds in the body of Rufo Lajera. In the body of Antonio Lajera he found post-mortem rigidity and two gunshot wounds. The death of the two persons was due to shock and great hemorrhage. (7).

- Pastor C. Domingo, 32, married, mayor of Lupao, testified that coming from San Fernando, La Union, he arrived at about 10 o'clock in the evening of October 6, 1946, and it was reported to him that, according to his investigation, a shooting took place at 11 o'clock on said date during which the two Lajera brothers were shot by Claudio Ordonio. (12). Exhibit C is an affidavit signed by Claudio Ordonio on October 7, 1946. (14).

- Feliclano Ganal, 21, single, farm laborer, testified that between 10 and 11 in the morning of October 6, 1946, he was in the guardhouse in barrio San Roque, Lupao, with Claudio Ordonio, Rufo and Antonio Lajera and Manuel Uraala. (18). Claudio Ordonio shot Rufo and Antonio Lajera. (19). The witness was about three meters distant. Claudio used a carbine. Antonio Lajera had a firearm but its magazine was before the shooting removed by Claudio. Rufo had no firearm. Antonio Lajera was leaning against the wall at the time he was shot and Rufo was standing with his two arms closed. Claudio, who came from a volleyball game, became angry because Rufo Lajera was asking him leave to go to town. (21). He disarmed Rufo Lajera. The arm was given by Claudio to the witness, taking first all the bullets from the firearm. Later the witness delivered the firearm to Rufo. (22). Claudio was the sergeant. He did not grant permission to Rufo to go to town. Antonio and Rufo Lajera were special policemen. (23), Antonio was first shot and later Rufo. Both fell. (24). Claudio was already angry when he arrived. He was hitting his forearm against the bamboo bed. (27). Then Claudio and Rufo Lajera quarrelled. (28). Claudio was angry because Rufo Lajera was asking permission to go to the poblacion. Exhibit 1 is an affidavit the witness signed before the mayor of Lupao. (30). After the carbine was taken by Claudio from Rufo Lajera the latter said he did not mind being disarmed and being shot provided it be in the presence of his officers. Later Claudio ordered the witness and Manuel Umala to accompany Rufo Lajera to the town. (36). At that time Antonio Lajera intervened and wanted to follow his brother to town saying that it was because his brother was going to be

disarmed and he did not know what they were going to do with him on the way, as he was to be escorted. Upon hearing it, Claudio said, "What do you mean now, you son of a bitch}" and immediately he shot him. (37). Rufo recovered his gun from the witness when the latter was putting on his shoes. (41). Antonio Lajera was shot at about 11 o'clock, (44). Antonio Lajera was the first one who died. (45), From the time Rufo was able to recover his arm to the time Antonio Lajera was shot, the witness was busy putting on his shoes. At that time he did not know what Rufo Lajera was doing. (47). After the shooting, Claudio was disarmed and he did not do anything more. The witness returned immediately to town to report to their officer. (50), When Antonio Lajera was shot, he had his firearm on his shoulder and his arms were crossed. At the time the witness was tying his shoes and he raised/his head when he heard a shot. (52). When Antonio Lajera was shot, the witness did not see Claudio pointing the gun, but he heard the whistle of the bullet and when he looked up he saw Antonio falling dovm. (53). At the time Antonio was shot by Claudio, Rufo was facing them. (56-57).

- Manuel Umala, 26, single, farm laborer, testified that he was in their guardhouse in San Roque, Lupao, on October 6, 1943. (59). At that time he saw Claudio Ordonio shoot Rufo and Antonio Lajera with a carbine. Antonio was shot first. He was sitting and leaning against the wall. The witness was more than a meter away from him. (60), When Rufo Lajera was shot, he was standing with his arms folded. At the time Feliciano Ganal was sitting on a bamboo bed. (61). He helped the witness snatch the firearm from Claudio Ordonio. After Feliciano Ganal was able to snatch the gun, he delivered it to the witness and went to town to report the matter. Claudio shot Rufo Lajera because the latter told him that he wanted to go to town to stay there and Claudio did not allow him. (62). Claudio took the gun of Rufo Lajera, took the magazine out, and gave it to the witness. Claudio told Rufo that he cannot go to town but later he told the witness to be ready to accompany Rufo to town. (63). When Antonio Lajera said that he was to go with his brother, Claudio replied, "What do you mean by that," and immediately shot him." (64). Rufo Lajera was to go to town accompaniGd by the witness Feliciano Ganal, and Claudio. Upon hearing about it, Antonio Lajera approached Claudio and said, "In that case, I want to go with them, because I do not know what you are going to do with my brother on the way." (73). Jtt the time Antonio was shot, Rufo was sitting on the bamboo shed near the wall. He was not holding his carbine. It was placed on his lap. At the time those on guard duty were the witness and Feliciano Ganal. Both were holding their respective carbines. (76), At the time Rufo Lajera was shot, he had his gun slung on his shoulder, but without the magazine. (78). Rufo Lajera did not see the shooting of his brother because he had his back towards Claudio. When the witness heard the shot, he got up and at that time he saw Antonio falling down. (85).

- Bruno Arimbuyutan, 44, married, chief of police of Lupao, testified that he investigated the killing of Antonio and Rufo La;jera by Claudio Ordonio and he immediately filed a complaint against the latter for double murder. (92993). He learned about it from Manuel Umala and Feliciano Ganal and from Claudio Ordonio himself. The latter said that "he killed the two brothers because they were in the act of not complying with his orders as Sergeant in that guardhouse." This was told by Claudio Ordonio on October 6. (94). The witness went to the place at the time at about 11 o'clock. He found the dead body of the Lajera brothers. (95). The witness did not put in writing Claudio1s statement. (96). Exhibit C is a statement of the accused taken by the sergeant of police.

The witnesses for the defense testified in substance as follows:

1. Cristobal Lapeña, 26, married, clerk, Office of the Municipal Treasurer of Lupao, testified that on August 8,

1946, he was the executive officer of the civilian guards cantonment area in Lupao, under the control of the MPC. (114). Exhibit 4 was signed by the witness. iufo and Antonio Lajera were privates in the organization. The sergeant was Claudio Ordonio. (115-116). The cantonment was located near and just north of the municipal building of Lupao. Claudio was the platoon sergeant. (120), On October 6, 1946, the witness was in his house in the cantonment. At about 8 o'clock he went, together with officers and soldiers, to barrio San Roque for inspection. The inspection took place from 8 to 9 o'clock. Claudio Ordonio, Manuel Umala, Feliciano Ganal, Prudencio Arendela, Francisco Sapla, and the members of the guards were present in the guardhouse. Antonio and Rufo Lajera were also present in the guardhouse. After the inspection, the commanding officer went to see the volleyball game in the barrio and the witness went back to his office in the torn. (121-123).

2. Juan Zarate, 47, married, policeman of Lupao, testified that on October 6, 1946, he was a sergeant in the cantonment homeguards in Lupao. He was then in barrio Is an Roque. (124). That day Claudio Ordonio shot somebody "but I did not see him. I was on the other side of the [road. I heard only the shots. I went immediately to the Jscene to see and help the people there. I saw the two 'persons dead. Rufo Lajera and Antonio Lajera." (125). Claudio Ordonio "was grappling with Manuel Umala. I helped in wresting the arm from Claudio Ordonio.n The witness asked Claudio why his two companions were dead, and he replied, the told me sir, that he shot them because they tried to fight him." The accused did not tell him how the deceased tried to fight him. (127). The witness collected the arms of the two deceased. He brought them to. the poblacion, but took out the magazine first. The witness collected three carbines. Only the one belonging to Antonio Lajera was loaded with magazine. Claudio's carbine had a magazine. He took the magazines of the deceased from their pockets. (128). Only the carbine of Antonio Lajera was loaded with magazine. He took magazines from the pants of Rufo and Antonio Lajera. (129). Claudio Ordonio did not tell him that "the two brothers pointed their guns at him, but they told me that they tried to fight him." (133). When he approached the accused and asked him what he did, the accused told me, "I shot them, sergeant, because they like to fight me." Rufo and Antonio Lajera had their respective magazines but not attached to their carbines. (134) Although there was magazine in the carbine of Antonio Lajera, the arm was safe-lock. It could not be fired without unlocking it. (140-141).

3. Claudio Ordonio, 20, single, farm laborer, testified that he was born on July 4, 1927. On October 6, 1946, he was sergeant of the Lupao homeguards. Exhibit 5 is their roster. (143). Exhibit 4 is his appointment as sergeant. He was in good terms with Antonio and Rufo Lajera. They were under his command. (144). At about 9 o'clock "our lieutenant came to see our post where we were guarding, as they told us to dig foxholes. After the inspection, hey went to the volleyball game." (145). The witness told Antonio and Rufo Lajera to guard because he also wanted to go to the volleyball game. After the game, upon reaching the headquarters, he found there Feliciano Ganal and Manuel Umala. He asked them where the guards went and they said they did not know. (146). Afterwards Prudencio arrived Arendela arrived followed by Rufo and Antonio Lajera, "I asked them, Why did you leave your post, don't you know that the Huks are near, and may enter the barrio." " This was addressed to Rufo Lajera. The latter said, "Never mind if they enter the barrio," adding that they did not like to guard and "immediately loaded his gun." Upon seeing it, the accused said, "Why did you load your gun, if you want to kill me as your officer, I cannot do anything." The accused lay down on a bamboo bed "because I was afraid." (147). After a while I heard them saying that if they kill me they would go with the Huks, so I got up. 'Give me your gun Rufo,' I said. Then I snatched the gun. I delivered it to Feliciano Ganal. 'Please friend, give me my gun,' " he (Rufo) said, addressing Feliciano Ganal. Rufo was able to get his gun. Then "I told Feliciano Ganal to get ready in taking Rufo Lajera to town. (148). He failed to report to town "because he refused to guard, so I ordered him to be brought to town." Feliciano Ganal took his shoes and put them on. "Rufo Lajera told Antonio Lajera what to do and then Antonio immediately loaded his gun saying at the same time, 'You son of a bitch,' addressing to me. He was angry when he approached me. He approached me and pointed to me his gun. (149). Since he pointed at me

his gun, I shot him first. When I saw Rufo Lajera pointed to me his gun, I also shot him." At that time Antonio Lajera had three magazines and Rufo two. Antonio and Rufo fell. "After that our First Sergeant came." The first sergeant, Juan Zarate "immediately took the gun. I gave him my gun. He asked me what we have done. I told him that Antonio and Rufo Lajera fought me, or they tried to fight me, and when Antonio Lajera pointed to me his gun, I shot him first.(151). When Antonio fell, Rufo pointed his gun at me and I also shot him first, that is what I told him." It is not true, as stated by Zarate, that the gun of Rufo Lajera was unloaded. (152). Zarate did not testify that he told him that Antonio and Rufo Lajera pointed their guns at him "because he was asking money to my mother and my mother was not able to give him any." (153). After the investigation, the accused went to town to report to lieutenant Cristobal La Peria and told him that "Rufo Lajera and Antonio Lajera fought me. I told him that when Antonio Lajera pointed his gun to me, I shot him first. Then Antonio Lajera fell, his brother wants to shoot me so I shot him first also." (154). Then the witness went to the municipal building of Lupao to present himself to the policemen. "I told them that Antonio Lajera and Rufo Lajera had fought me and when Antonio pointed his gun at me, I shot him first and when Rufo also pointed his gun at me, I shot him first too. They sent me to jail." He presented himself at about 11:30 in the morning of October 6, 1946. Juan Quibilan took his statement Exhibit C. (155-156). The witness has never been investigated by the chief of police, Bruno Arimbuyutan. Manuel Umala and Peliciano Ganal harbored ill feelings against the accused because he used to catch them sleeping and to report them to the first sergeant who punished them. In ordered them to do some hard labor) as cutting grasses and picking up pieces of papers, for which they come to hate me." (160).

Juan Zarate, testifying as rebuttal witness for the prosecution, declared that he did not ask money from the mother of the accused. When counsel for the accused conversed with him, he said that he was not feiven money for his transportation fare in coming to Cabanatuan which amounted to P1.20. (204-205).

Upon the evidence, both of the prosecution and of the defense, there is no question that appellant shot to death Antonio and Rufo Lajera. What is controverted is how the accused killed them, 'whether angered because when he ordered Rufo Lajera to town accompanied by Feliciano Ganal and Manuel Umala, Antonio Lajera wanted to accompany his brother, or, as the accused wanted us to believe, the two brothers pointed their guns at him, and he shot them first in self-defense.

The testimonies of Feliciano Ganal and Manuel Umala, testifying for the prosecution, have proved conclusively that version is the true one. The insignificant errors or discrepancies on minor details in their testimonies do not affect their truthfulness. As in this case, such errors and discrepancies, honestly committed, rather show sincerity. They are natural concomitants to human limitations. As the sun, although appearing to us as the greatest miracle in the universe, is not spotless, human beings cannot absolutely be free from faults. This is true even with the choicest paragons of the human, species.

The truth of the testimonies of the witnesses for the prosecution, supported by the unbiased testimony of the chief of police of Lupao, Bruno Arimbuyutan, to whom the accused said that he killed the two brothers because they would not comply with his orders, is corroborated by a witness for the defense, Juan Zarate, who went to the scene immediately after hearing the shots and to whom the accused said that he killed the two brothers because they tried to fight him, and that the accused did not tell him that the deceased pointed their guns at him. According to his testimony, it is not credible that the deceased, could have aimed their guns at the accused because Eufio Lajera's carbine was unloaded, so much so that the magazines were taken from his pockets, and, while Antonio Lajera's carbine had a magazine, the gun was locked and could not be fired without being unlocked first.

Against the overwhelming evidence of the prosecution, supported by Juan Zarate, a witness for the defense, there is only the wholly uncorroborated testimony of the accused which, on the other side, has not given any reasonable motive why the deceased brothers would have wanted to aim their guns at him.

The lower court erred in convicting appellant for the crime of double murder, a complex crime that is committed when two persons are killed as a result of the same murderous act of the accused. Each one of the deceased was killed by different and separate sets of shots, fired, respectively, through two independent sets of acts of the accused, each one aimed exclusively at a victim. (People vs. Layos, 60 Phil. 224). The accused is guilty of two separate murders, qualified by treachery, As correctly recommended by the prosecution, he is entitled to the mitigating circumstance of voluntary surrender.

The appealed decision is modified and appellant is sentenced for each murder to an indeterminate penalty ranging from 10 years and day, prision mayor, to 17 years, 4 months and 1 day, reclusion temporal, to be served in the manner provided for by Article 70 of the Revised Penal Code, to indemnify the heirs of each deceased in the sum of P2,000.00, and to pay the costs.

Moran, C.J., Paras, Feria, Pablo, Bengzon, Briones, Tuason and Montemayor, JJ., concur.

Judgment modified.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.