

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS.
GAUDENCIO NODALO, DEFENDANT AND APPELLANT.***G.R. No. L-5880. April 29, 1953*

Ponente: BENGZON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/3b8421685baf/>**BENGZON, J.:**

In the court of first instance of Leyte, Gaudencio Nodalo, his father Leon, and his brothers Conrado and Atilano, were prosecuted for the murder of Fortunato Mareto. Leon was discharged, at the request of the Fiscal, after the first witness had testified. Conrado and Atilano were acquitted after the trial. But Gaudencio was found guilty of homicide, and sentenced to a term of imprisonment not exceeding 14 yrs., 8 months and one day and to indemnify the heirs of the dead man in the amount of P2,000.00. He appealed to the Court of Appeals.

That court, believing the crime was murder punishable with life imprisonment, forwarded the record to us pursuant to statutory provisions.

After reviewing the expediente, we also believe the offense was murder, the facts being as follows:

In the night of June 8, 1949, Dolores Mareto, 18, single, went to fetch water from the well near the house of her uncle Cipriano Iñon in barrio Dakhay, Dulag, Leyte. There she was accosted by Gaudencio Nodalo, who lived nearby and who had been courting her. Seizing her arms he pleaded with her to follow him. But she struggled and screamed, calling her brother Fortunato who was in the house of Iñon. Fortunato hurried down with a penknife but was intercepted by Atilano Nodalo who stabbed him, with a bolo, on the right breast. Meanwhile, releasing Dolores, Gaudencio faced Fortunato and slashed him with a bolo on the left side of the head, inflicting on him a wound four inches long, one inch wide. Conrado Nodalo joined the attack by cutting Fortunato's left shoulder with a big bolo known locally as dipang (American bolo). As a consequence of the wounds Fortunato fell, and died soon after, that very evening.

Assuming full responsibility for the occurrence to exclude his two brothers (who asserted they were in another town that night) Gaudencio claimed self-defense and swore that he met Fortunato at the well; that he demanded payment of Fortunato's one peso debt; that Fortunato resenting the demand opened a knife and attacked him (defendant); that he grappled with Fortunato, and succeeded in wrestling the weapon but found it necessary to stab the latter repeatedly to death.

Gaudencio's version is rather incredible, in view of the large wounds found on the cadaver by Eleno Martinez, sanitary inspector, who swore they could not have been inflicted with a penknife. Besides it is unlikely that being smaller than Fortunato this appellant could finish the fight without a single scratch. True, he said he was wounded on the right temporal region, and that the wound was treated by Martinez the next morning; but the sanitary inspector on rebuttal, affirmed that Gaudencio had not been treated by him for a wound on the head.

Consequently the story of the prosecution witnesses Dolores Maroto and Cipriano Iñon must be accepted, and the declaration made that, armed with bolos, the three brothers assaulted Fortunato that evening of June. It was

murder qualified by abuse of superior strength and the aid of armed men[1]. Needless to say, in this instance the findings of the trial judge exonerating the other two brothers are not binding because the whole record is open for revision. Nevertheless under the rules of jeopardy the said brothers of Gaudencio, are now beyond the reach of the prosecution and may not be punished for the same offense, they having been acquitted in the court below.

It appears that Gaudencio voluntarily surrender to the authorities. That mitigating circumstance compensates the aggravation of night time. Life is therefore indicated by Art. 248 and other provisions of the Revised Penal Code regarding application and graduation of penalties.

WHEREFORE, having committed murder, this appellant Gaudencio Nodalo, should be, as he is hereby, sentenced to reclusion perpetua, and to pay the indemnity prescribed in the appealed decision, which is affirmed with modification. So ordered.

Paras, C. J., Feria, Pablo, Tuason, Montemayor, Reyes, Jugo and Labrador, JJ., concur.

[1] Art. 248 Rev. Penal Code; U.S. v. Sornito 4 Phil., 357; U.S. v. Bomagale 24 Phil., 69; U.S. v. Lasada 21 Phil., 287.

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.