

PEOPLE OF THE PHILIPPINES, PLAINTIFF/APPELLEE, VS. ROMEO BATUIGAS Y NOYNOY, ACCUSED-APPELLANT.

Ponente: CONTRERAS, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/3ca9caed22ad/>

CONTRERAS, J.:

Before this Court is an Appeal from the Decision[1] dated February 16, 2012 of the Regional Trial Court (RTC), Branch 16 of Davao City finding accused Romeo Batuigas guilty beyond reasonable doubt for the crime of Homicide penalized under Article 249 of the Revised Penal Code, sentencing him to suffer the Indeterminate Sentence ranging from six (6) years and one (1) day prision mayor, minimum period, as minimum to twelve (12) years one (1) day reclusion temporal, minimum period, as maximum, and ordering him to pay the heirs of Catherine Ramirez the following amount: (1) PHP 75,000.00 as death indemnity; (2) PHP 50,000.00 as moral damages; (3) PHP 25,000.00 as exemplary damages; and (4) PHP 33,963.00 as actual damages.

The Facts

The facts of the present controversy borne by the records are:

Romeo Batuigas y Noynoy (appellant for brevity) was charged with the crime of Homicide penalized under Article 249 of the Revised Penal Code before the Regional Trial Court (RTC), Branch 16 of Davao City in Criminal Case No. 65,727-09. The accusatory portion of the Information[2] dated May 8, 2009 states:

That at or about May 4, 2009, in the City of Davao, Philippines, and within the jurisdiction of this Honorable Court, accused ROMEO BATUIGAS, with intent to kill, did then and there willfully, unlawfully and feloniously, shoot at the person of Catherine Ybanez Ramirez using a handgun described as 9mm caliber pistol with serial number 410734, thereby inflicting upon said Catherine Ybanez Ramirez mortal wounds which were the direct and immediate cause of her instantaneous death.

CONTRARY TO LAW.

When arraigned on May 28, 2009, appellant, assisted by his counsel, pleaded “not guilty” to the indictment. Pre-trial and trial on the merits then ensued. The prosecution presented three (3) witnesses, namely: (1) Juvelyn Ramirez,[3] the victim’s sister; (2) Diosdada Ramirez, the victim’s mother; and (3) Randy Ramirez, the victim’s brother. The prosecution tried to establish the following facts:

At dawn of May 4, 2008, Randy Ramirez (Randy, for brevity) was sleeping inside the bedroom of her sister Catherine Y. Ramirez (Catherine, for brevity) at the latter’s residence in Dona Aurilla Village, Sasa, Davao City. Also sleeping inside the room were Catherine and her boyfriend, appellant Romeo Batuigas (Romeo, for brevity).

At around 5:30 a.m. in the morning, Randy was awakened by a heated squabble between Catherine and Randy. In the course of the altercation, Randy heard Romeo uttered the following words to Catherine: “Patyon taka! Dili na taka alang-alangon pag patay!” (I will kill you! I will not hesitate to kill you!). While Romeo was uttering those threatening words, Randy saw Romeo holding, loading and chambering a gun. Because he was afraid of the situation, Randy transferred to the room of his other sister, Juevelyn, to continue his sleep. Shortly

thereafter, Randy was awakened by the sound of a gunfire emanating from the room of Catherine. Randy immediately rushed to Catherine's room only to find out that the door was locked. It was then that Randy heard Romeo shouting "Jov, Jov! Tabang Jov, pagtagaw ug doctor! (Jov, Jov! Help Jov, call a doctor!) Randy then went out of the house through the front door and sought for help. He saw their neighbor, Ate Melva, who managed to hire a multi-cab to bring Catherine to the hospital.

At about 6:00 a.m., Randy went back inside the house and there he saw Romeo exiting Catherine's bedroom, carrying her body. Randy noticed that her sister was already pale and unconscious with eyes staring upwards. Romeo, still carrying Catherine, then boarded the multi-cab and proceeding to the hospital.

On their way to the hospital, Catherine expired while on board the multi-cab. Upon arrival, Catherine was declared dead due to hypovolemic shock secondary to gunshot.

Meanwhile, on January 5, 2011, appellant, instead of giving his testimony and presenting himself as a witness as agreed during the pre-trial, filed a Motion with Leave of Court to File a Demurrer to Evidence.[4] In the Demurrer to Evidence[5] dated January 4, 2011, appellant argues as follows:

While the fact of death of the victim Catherine Ramirez was proven, nowhere did the prosecution present any evidence to show and prove that herein accused shot and killed the victim. How the victim sustained a lone gunshot wound injury on her right thigh – whether accidental or intentional was not established by the prosecution, as no forensic nor medical expert was presented in the case. And, despite of the availability of the firearm (Exh. J), empty shell (Exh. M) and slug (Exh. E), they were not subjected to any ballistic examinations to establish that the gun of the accused may have been used and fired. There is total lack of evidence to show that the accused shot and killed Catherine Ramirez.

xxx xxx xxx

The testimony of prosecution witness Randy Ramirez made no reference as to how the crime was committed because admittedly, he was asleep and was awoken only when he heard a gunshot fired inside the bedroom of the accused Romeo Batuigas and the victim Catherine Ramirez. Inspiringly, he however testified that the accused called upon Jovelyn Ramirez to call a doctor (TSN dtd July 27, 2010, p. 14). It was also the accused who carried the victim from the bedroom and immediately brought her to the hospital (TSN dtd July 27, 2010, p. 20). Surely, such gesture cannot reasonably be expected from, and would be unbecoming of, one committing a crime as killing the victim. Every circumstance favoring the accused innocence must be duly taken into account.

Furthermore, the nature and location of the wound should also be considered. The lone gunshot wound on the right thigh of the victim negates intent to kill her. There would have been intent to kill if Catherine was shot several times, finished off and the accused immediately fleeing the scene, but such was not the case.

The mere surrender of the accused to purposely face the charges filed against him does not mean that he committed the crime or is guilty of killing the victim. The guilt of the accused cannot be based on mere conjectures, presumptions or suspicions. xxx

On January 20, 2011, the prosecution filed an Opposition to Accused Demurrer to Evidence.[6]

On January 21, 2011, the appellant filed his Reply to Prosecution's Opposition.[7]

On January 25, 2011, finding the compelling need for the appellant to adduce countervailing evidence, the RTC issued an Order[8] denying the Demurrer to Evidence filed by appellant.

On February 1, 2011, the appellant filed a Motion for Reconsideration[9] which was denied in an Order[10] dated February 22, 2011.

However, despite such denial and after he was given by the RTC sufficient trial dates to present countervailing evidence, appellant, during the last setting of the case, waived his right to adduce countervailing evidence.[11] In view of such waiver, the case was submitted for decision based on the evidence of the prosecution.

On February 16, 2010, the court a quo rendered its Decision[12] finding appellant guilty beyond reasonable doubt of the crime of Homicide penalized under Article 249 of the Revised Penal Code, the fallo of which reads:

WHEREFORE, finding the evidence sufficient to prove the guilt of the accused beyond reasonable doubt, the Court hereby finds accused Romeo Batuigas guilty for the death of Catherine Ramirez and, appreciating the mitigating circumstance of voluntary surrender, hereby sentences said accused to suffer the Indeterminate Sentence, ranging from six (6) years and one (1) day prision mayor, minimum period, as minimum to twelve (12) years one (1) day reclusion temporal, minimum, as maximum.

Accused is further sentenced to indemnify the heirs of Catherine Ramirez, the following sums:

- 1) P75,000.00 as civil indemnity for the death of Catherine Ramirez; 2) P50,000.00 as moral damages
- 3) P25,000.00 as exemplary damages; 4) P33,963.00 as medical, burial and transportation expenses.

SO ORDERED.

Unsatisfied, on March 2, 2012, appellant filed a Notice of Appeal.[13] Hence, this Appeal.

Issue

WHETHER OR NOT THE COURT A QUO IN THE INSTANT CASE ERRED IN HOLDING THAT THERE IS SUFFICIENT (CIRCUMSTANTIAL) EVIDENCE TO PROVE THE GUILT OF THE ACCUSED-APPELLANT ROMEO N. BATUIGAS GUILTY FOR THE DEATH OF CATHERINE Y. RAMIREZ

The Court's Ruling

We find no reversible error in the RTC's decision and affirm the appellants' conviction for homicide.

Appellant avers that the trial court erred in finding him guilty beyond reasonable doubt for the crime of homicide as the quantum of evidence required for his conviction was not met. Appellant argues that while the fact of death of Catherine was proven, the prosecution failed to present any evidence to show and prove that: (1) appellant shot and killed the victim and (2) he had intent to kill the victim. He asserts that the witnesses that the prosecution present did not even personally see and observe the killing of Catherine. How Catherine sustained a lone gunshot wound injury on her right thigh, whether accidental or intentional, was not established by the prosecution as no forensic or medical expert was presented during trial. Appellant also added that despite the availability of the firearm, empty shell and slug, these were not subjected to any ballistic examinations to establish that the gun of appellant was used and fired. Appellant maintains that the prosecution's evidence rested merely on speculation or naked assertions that appellant shot Catherine.

Such averment fails to persuade this Court.

Although no one witnessed the actual killing of Catherine, it must be emphasized that direct evidence is not the sole means of establishing guilt beyond reasonable doubt. Established facts that form a chain of circumstances can impel a conscious process of reasoning towards a conviction. Indeed, rules on evidence and principles in jurisprudence have long recognized that the accused may be convicted through circumstantial evidence.[14]

Section 4 of Rule 133 of the Rules of Court provides:

SEC. 4. Circumstantial evidence, when sufficient.-Circumstantial evidence is sufficient for conviction if:

- (a) There is more than one circumstance;
- (b) The facts from which the inferences are derived are proven; and
- © The combination of all the circumstances is such as to produce a conviction beyond reasonable doubt.

To uphold a conviction based on circumstantial evidence, it is essential that the circumstantial evidence presented must constitute an unbroken chain which leads one to a fair and reasonable conclusion pointing to the accused, to the exclusion of the others, as the guilty person. The test to determine whether or not the circumstantial evidence on record is sufficient to convict the accused is that the series of circumstances duly proved must be consistent with each other and that each and every circumstance must be consistent with the accused's guilt and inconsistent with the accused's innocence. The circumstantial evidence must exclude the possibility that some other person has committed the offense.[15]

Here, the circumstances proven during the trial are that (1) appellant and Catherine are live-in partners; (2) appellant, Catherine, and her younger brother, Randy, were sleeping together inside the room of Catherine on May 4, 2008; (3) Randy was awakened when he heard appellant and Catherine having a heated argument; (4) Randy saw appellant holding, loading and chambering a gun while uttering the words "Patyon taka! Dili na taka alang-alangon pag patay!" (I will kill you! I will not hesitate to kill you!); (5) Shortly after leaving Catherine's room, Randy heard a gunshot emanating from the room of Catherine; (6) Randy rushed to his sister's bedroom but he cannot open the door because it was locked; (7) from outside Catherine's room, Randy heard appellant shouting "Jov, Jov! Tabang Jov, pagtagaw ug doctor!" (Jov, Jov! Help Jov, call a doctor!); (8) Randy saw appellant exit his sister's bedroom carrying the body of his sister; and (9) Catherine was declared dead on arrival due to hypovolemic shot secondary to gunshot.

Thus, the prosecution was able to establish appellant's complicity in the crime through circumstantial evidence, which were credible and sufficient and which led to the inescapable conclusion that appellant committed the crime of homicide. Indeed, when considered in their totality, the circumstances point to appellant as the culprit.

Jurisprudence teaches us that direct evidence of the commission of the crime charged is not the only matrix wherefrom a court may draw its conclusions and findings of guilt. There are instances when, although a witness may not have actually witnessed the commission of a crime, he may still be able to positively identify a suspect or accused as the perpetrator of a crime as when, for instance, the latter is the person last seen with the victim immediately before and right after the commission of the crime. This is the type of positive identification which forms part of circumstantial evidence. In the absence of direct evidence, the prosecution may resort to adducing circumstantial evidence to discharge its burden. Crimes are usually committed in secret and under condition where concealment is highly probable. If direct evidence is insisted upon under all circumstances, the guilt of vicious felons who committed heinous crimes in secret or in secluded places will be hard, if not well-nigh impossible, to prove.[16]

Thus, while no one directly saw appellant shot Catherine, this Court is satisfied that the circumstantial evidence in this case constituted an unbroken chain that leads to the logical conclusion that appellant is guilty of the killing of Catherine. The combination of circumstances is such as to leave no reasonable doubt as to appellant's guilt; hence, his conviction based on circumstantial evidence is justified.

While the defense attempted to cast down upon the testimony of witness Randy, these allegedly conflicting testimonies in his narration in the affidavit and that of his direct testimony in open court are not material enough to reverse the ruling of the lower court. This Court gives credence to the version of events posited by the prosecution witnesses. These witnesses testified in a clear, candid and straightforward manner. Specifically for state witness Randy, appellant failed to show motive for Randy to falsely accuse him. Failure by the defense to prove ill-will or motive on the part of Randy strengthens his clear testimony.

We adhere to the established rule that in the absence of evidence showing any reason or motive for the prosecution witness to perjure himself or herself, We can conclude that no improper motive exists, and his or her testimony is worthy of full faith and credit.[17]

Assuming arguendo that there are inconsistencies in Randy's narration in his affidavit vis-à-vis his testimony in open court, these are inconsequential. It cannot overthrow the clear testimony and positive identification by Randy that it was appellant who was last seen with Catherine immediately before and right after the gunshot. Neither can it destroy the foundation that the prosecution has built in proving appellants' culpability. The case of *People v. Lalli*[18] is instructive:

“xxx inconsistencies pointed out by the accused in the testimony of the prosecution witnesses relating to minor details do not destroy the credibility of the witnesses. On the contrary, they indicate that the witnesses were telling the truth and not previously rehearsed.”

In the case at bar, the inconsistencies pointed out by the defense are minor and even made the testimonial evidence more believable and unrehearsed. These are but irrelevant inconsistencies that fail to erode the credibility of Randy who testified against appellants. Hence, We find no reason to deviate from the RTC's appreciation of the said testimony and the conclusions drawn from it.

Minor variances in the details of the witnesses' accounts, more frequently than not, are badges of truth rather than indicia of falsehood. In fact, minor discrepancies in their testimonies are to be expected; they neither vitiate the essential integrity of the evidence in its material entirety nor reflect adversely on the credibility of witnesses.[19]

At this juncture, We highlight the legal aphorism that factual findings to the trial court, its calibration of the testimonies of the witnesses, and its assessment of their probative weight are given great respect if not conclusive effect, unless it ignored, misconstrued, misunderstood, or misinterpreted cogent facts and circumstances of substance which, if considered, would alter the outcome of the case.[20] In the case at bar, We find no glaring errors or misapprehension of facts committed by the trial court in giving more weight and credence to the testimonies of the prosecution witnesses. Thus, there is no cogent reason to deviate from its ruling. The Court is in full agreement with the trial court regarding appellant's culpability.

Anent the penalty imposed, Article 249 of the Revised Penal Code provides the penalty of reclusion temporal for the crime of consummated homicide. Upon taking the mitigating circumstance of voluntary surrender into consideration, the imposable penalty is the minimum period of reclusion temporal, that is, 12 years and one day to 14 years and eight months.[21] The range of the indeterminate penalty under the Indeterminate Sentence Law is prison mayor in any of its periods, as minimum, to the minimum period of reclusion temporal minimum, as maximum.[22] Hence, We affirm the indeterminate prison term imposed upon appellant, which is six (6) years and one (1) day prison mayor minimum, as minimum, to twelve (12) years and one (1) day reclusion temporal minimum, as maximum, as it is well within the ranges provided by law.

Likewise, We affirm the trial court's assessment of actual damages in the amount of PHP 33,963.00 as it is duly supported by evidence.

However, we decrease the award of civil indemnity to PHP 50,000.00 pursuant to prevailing jurisprudence.[23] We also delete the award of exemplary damages in the absence of aggravating circumstance in this case.[24] In conformity with current policy, the Court also imposes on all the monetary awards for damages interest at the legal rate of 6% per annum from the date of finality of this Decision until fully paid.[25]

WHEREFORE, premises considered, the instant appeal is hereby DENIED. The assailed Decision dated February 16, 2012 of the Regional Trial Court, Branch 16 of Davao City, in Criminal Case No. 64,727-09, finding appellant

Romeo Batuigas y Noynoy beyond reasonable doubt of Homicide, is hereby **AFFIRMED** with MODIFICATIONS. Appellant is further ordered to pay the heirs of Catherine Ramirez: (1) civil indemnity in the decreased amount of PHP 50,000.00; and (2) interest rate of 6% per annum on all the monetary awards for damages from the date of finality of this Decision until fully paid. The award of exemplary damages is deleted.

SO ORDERED.

Lloren, J., Ch., and Santos, JJ., concur.

[1] Rollo at pp. 29-37.

[2] Records at p. 2.

[3] However, her testimony was stricken-off the records for lack of cross-examination as per Order dated December 30, 2010.

[4] Records at p. 128

[5] Records at pp. 129-133.

[6] Records at p. 135-138.

[7] Records at pp. 139-140.

[8] Records at p. 141.

[9] Records at p. 143-144.

[10] Records at p. 152.

[11] Records at p. 160.

[12] Rollo at pp. 29-37.

[13] Records at p. 206.

[14] People v. Murcia, G.R. No. 182460, March 9, 2010.

[15] The People of the Philippines v. Wilson Lopez, Victorino Cruz, Bong Madayag and Felipe Maglaya, Jr., G.R. No. 176354, August 3, 2010.

[16] People v. Manalo, G.R. No. 173054, December 6, 2006.

[17] People v. Nueva, G.R. No. 173248, November 3, 2008.

[18] 659 SCRA 105.

[19] People v. Sobangee, G.R. No. 186120, January 31, 2011.

[20] People v. Oliva, G.R. No. 187043, September 18, 2009.

[21] Article 64 (2), in relation to Article 76, of the Revised Penal Code.

[22] People of the Philippines v. Ramon Placer, G.R. No. 181753, October 9, 2013.

[23] Rodolfo Guevarra v. People of the Philippines, G.R. No. 170462, February 5, 2014.

[24] Civil Code, Art. 2230. In criminal offenses, exemplary damages as a part of the civil liability may be imposed when the crime was committed with one or more aggravating circumstances. Such damages are separate and distinct from fines and shall be paid to the offended party.

[25] People v. Rarugal, G.R. No. 188603, January 16, 2013.

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.