

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. SALVADOR BAYTAN, DEFENDANTS AND APPELLANTS.

G.R. No. L-2266. April 17, 1950

Ponente: MORAN, C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/c4f50ca36314/>

MORAN, C.J.:

This is an appeal from a decision of the Court of First Instance of Albay finding Salvador Baytan and Jesus Baytan guilty of the felony of robbery with homicide (Art. 294, Rev. Penal Code), and sentencing each, of them to suffer the penalty of "cadena perpetua," to indemnify the heirs of the deceased Yee Bon in the sum. of P2,000 without subsidiary imprisonment in case of insolvency and to pay the costs.

It appears that sometime in the afternoon of June 23, 1947, Jesus Baytan entered the store of the spouses Yee Bon alias Aleng, and Cirila Masareta, in barrio Agna, municipality of Legaspi, province of Albay, and bought forty centavos worth of "biscocho" (cookies). Cirila, who was alone in the store because her husband was away at Legaspi, noticed that Jesus Baytan kept his head lowered as if trying to conceal his identity. Nevertheless, she was able to see his face when he paid for his purchase.

Later in the afternoon of that same day, at about 6:30, Yee Bon, who had already arrived from Legaspi, and Cirila heard the voice of a man calling from outside saying that he wanted to buy cigarettes. As soon as Yee Bon opened a window of the store, two men immediately entered and one of them grabbed the flashlight which Yee Bon was holding. Cirila, who was on the second floor of the house, called down to ask what was going on. At this moment, she saw Salvador Baytan who had gone up the stairs and who, with a revolver in hand, threatened her into silence and demanded money. Telling Salvador that they had very little money, she took out a vanity case with two fifty-peso bills inside, which Salvador immediately grabbed from her. After opening a trunk beside the bed and ransacking its contents, Salvador went down to turn over the money to his companion, Jesus Baytan, who stayed with Yee Bon in the shop. Suddenly, a voice from outside called out that the lights be put out. Salvador immediately turned off the lights, one up in the bedroom and another in the store. Cirila then heard a shot followed by weak groans from her husband. Taking a flashlight, she went down and saw the prostrate body of her husband. As she turned on the lights, Salvador Baytan rushed in again, took the flashlight which she held and left once more. Finding her husband dead, Cirila looked to find out if the robbers had stolen anything from him. She found gone from his pocket the sum of P380 which he brought back from his shopping trip to Legaspi and which both of them had counted shortly before the robbers arrived. Cirila then reported the robbery to the barrio lieutenant who in turn gave his report to the Chief of Police of Legaspi on the following morning.

The case for the prosecution has been established principally by the testimony of Cirila Masareta, widow of Yee Bon, which has been corroborated by the testimonies of Ananias Lorilla (a nephew of Cirila), Simeon Abino (a resident of Tagpon, Legaspi), Mer. Vargas (Chief of Police of Legaspi), and Antolin Lotivio (medical interne at the Provincial Hospital of Albay).

Cirila Masareta testified on the entire incident of the robbery as narrated above. Ananias Lorilla testified that on

the evening of June 23, 1947, as he was tying his horse by his house which is near the store of Yee Bon, he heard the voice of Cirila saying: "Forgive us because we have no more money than this"; that as he ran towards the store, he heard a shot and saw two men hurrying away; that focusing his flashlight on them, he saw Salvador Baytan with Jesus Baytan following behind; and that Salvador shouted at him to "Go Back." Simeon Abiño testified that at about eight o' clock in the evening of June 23, 1947, as he sat by his house in Tagpon, which is about a kilometer away from Agna, while waiting for some people to come for prayers, three men came near his house; that one of them came to him and asked for the way to the seashore; that he saw the face of this Wan (whom he later identified as Salvador Baytan) by the light that came from the house; that when he called for a light in order to see who were the companions of Salvador, the three of them immediately left. Mer. Vargas, the Chief of Police of Legaspi, testified that he conducted the investigation of the robbery; that in the course of said investigation, on the basis of the description given to him by Cirila Masareta, he arrested five suspects and presented them to Cirila for identification; that Cirila told him. that they were not the ones who committed the robbery; that afterwards he arrested Salvador and Jesus Baytan and when he presented them to Cirila, she immediately identified them as the robbers; and that appellants said nothing when Cirila pointed to them as the guilty persons. Antolin Lotivio who signed the autopsy report and death certificate of Yee Bon, testified that the deceased died of severe hemorrhage caused by a gunshot wound.

Appellants' defense is an alibi. According to their own testimonies in Court, both of them are "pickpockets" by [profession; that a few days before the 23d of June, 1947, they went to Tabaco for the petit carnival and the town fiesta on the 24th; that on the 23rd, at about 5:30 in the afternoon, Salvador was told by a certain Maximino Austero, a guard at the provincial jail, to fetch a tennis racket which was in the tennis court. Salvador, in turn, told his brother Jesus to fetch it. After strolling about, the brothers went to a restaurant where they ate some rice and 'pancit', at about 6 p. m. After eating, Salvador left his brother at a street corner and went to the bazaar store of one Nino Dhanaram. where he bought a watch for P25 and which he paid for out of the money which he had stolen shortly before in the amount of P337. After buying the watch, he met his brother Jesus and both went strolling around until Salvador noticed that his watch had stopped. So he returned to the store of Nino Dhanaram and the latter accompanied him to the watch repair shop of one Sergio Bongalon where he left the watch. Salvador then met Jesus again and after walking about, they left Tabaco for Maliliput, arriving there at about 8 p. m. They went to the house of a certain Lorenzo Boneo where they stayed for the night.

In support of their statements, appellants presented three witnesses. Salvador Nasi testified that he was a waiter at the Panciterla Antigua in Tabaco; that in the evening of June 23, 1947, at about 6 o'clock, Salvador Baytan, an old friend, and Jesus Baytan (whom he identified later in open court) entered the restaurant and ate "pancit" and rice; and that after eating, which was at about 6 o'clock, they left. Nino Dhanaram, owner of a bazaar in Tabaco, testified that Salvador Baytan went to his store between 7 and 8 o'clock of the evening of June 23, 1947, and bought a watch valued at P25; that shortly after leaving the store, Salvador came back complaining that the watch had stopped; that he accompanied Salvador to a watch repairer who had his shop about three doors away and that the watch was repaired and given to Salvador. Sergio Bongalon, owner of a watch repair shop in Tabaco, testified that between 6 and 7 o'clock in the evening of June 23, 1947, Nino Dhanaram, accompanied by a person whom he later identified as Salvador Baytan, entered his shop and left a watch for repair and that said watch was taken by Salvador on the following morning.

As rebuttal witness, the prosecution presented Benigno Bonafe, Provincial Jailer of Legaspi, who testified that Maximino Austero, a guard at the provincial jail, whom the defense claimed was at Tabaco in the afternoon of June 23, 1947, and had ordered Salvador Baytan to fetch his tennis racquet, could not have been at such a place because Bonafe saw him in Legaspi on that same afternoon and that he did not give Austero any permission to leave Legaspi.

After a careful review of the evidence, this Court finds no reason for disturbing the findings of the trial court. The testimonies of the witnesses for the prosecution are clear and convincing and no malevolent or doubtful motives have been imputed to them. The attitude of Cirila Masareta in the identification of the robbers is noteworthy. When the first five suspects were presented to her, she immediately dismissed them as the wrong persons. But when appellants were brought before her, she at once identified them as the malefactors.

On the other hand, the evidence for the defense appears weak and vague. Much of it depends upon the word of appellants who admitted in open court that they are thieves by profession. Corroboration of this defense, particularly on the essential element of time, is made to rest on the testimony of three witnesses who testified broadly and vaguely on precisely this important point. Moreover, even conceding that the testimonies of these three defense witnesses are truthful, nevertheless, the gaps of time allowed by their statements would have permitted appellants to go to Agna and commit the felony of which they stand convicted. The distance between Tabaco and Agna, as admitted in court, is about 35 kilometers which can easily be covered by automobile in about forty minutes. And appellants admitted that they did use a car on the night of the 23rd of June, 1947, when they left Tabaco to go to Maliliput. The defense of alibi has not been adequately established.

For all the foregoing, this Court finds appellants guilty of the crime of robbery with homicide under Article 294 of the Revised Penal Code, with no modifying circumstances, and hereby affirms the judgment of the trial court with the modification recommended by the Solicitor-General that the indemnity be raised from P2,000 to P6,000 and that the designation of the principal penalty imposed be changed from cadena perpetua to reclusion perpetua.

It is so ordered.

Ozaeta, Pablo, Bengzon, Tuason, Montemayor, and Reyes, JJ., concur.

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.