



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated **22 July 2015** which reads as follows:

"G.R. No. 214339: PEOPLE OF THE PHILIPPINES, plaintiff-appellee, v. RODOLFO CABATAC alias "NEGRO" and "JUNJUN" (at large), accused; LLOYD ESCOTON alias "DODIE" and ARIEL NABONG alias "AYING," accused-appellants.

X-----X

After careful review of the case records, this court finds the appeal to be lacking in merit. The Regional Trial Court of San Jose, Antique, Branch 11,¹ and the Court of Appeals² correctly found accused-appellants Lloyd Escoton (Escoton) alias Dodie and Ariel Nabong (Nabong) alias Aying guilty beyond reasonable doubt of murder under Article 248 of the Revised Penal Code.³

The prosecution satisfactorily established that accused-appellants stabbed Roman Aungon, Sr. to death on the evening of July 27, 2002.⁴ The Regional Trial Court, as affirmed by the Court of Appeals, gave credence to the clear, candid, straightforward, and positive testimony of Delia Salvador that accused-appellants carried out the crime charged.⁵ On the other hand, Escoton failed to overcome the burden in proving the requisites when invoking self-defense.⁶ Nabong's uncorroborated alibi also failed to cast any reasonable doubt or discredit the positive testimony against them.⁷

The imposable penalty for the crime of murder under Article 248 of the Revised Penal Code is reclusion perpetua.⁸ Accused-appellants are not eligible for parole under Act No. 4103 known as the Indeterminate Sentence Law in accordance with Section 3 of Republic Act No. 9346.⁹

¹ CA rollo, pp. 34-50. The Judgment was penned by Presiding Judge Nery G. Duremdes.

² Rollo, pp. 4-18. The Decision was penned by Associate Justice Marie Christine Azcarraga-Jacob and concurred in by Associate Justices Ramon Paul L. Hernando (Chair) and Ma. Luisa C. Quijano-Padilla of the Twentieth Division.

³ Rollo, p. 17; CA rollo, p. 50.

⁴ Rollo, p. 8; CA rollo, p. 48.

⁵ Rollo, p. 8; CA rollo, p. 42.

⁶ Rollo, pp. 13-14; CA rollo, pp. 44-47.

⁷ Rollo, p. 11; CA rollo, p. 44.

⁸ REV. PEN. CODE, art. 248.

⁹ An Act Prohibiting the Imposition of Death Penalty in the Philippines (2005). Sec. 3 provides:
SECTION 3. Persons convicted of offenses punished with *reclusion perpetua*, or whose sentences will be reduced to *reclusion perpetua*, by reason of this Act, shall not be eligible for parole under Act No. 4103, otherwise known as the Indeterminate Sentence Law, as amended.

mlg

In line with current jurisprudence,¹⁰ interest at the rate of 6% per annum should be imposed on all damages awarded from the date of the finality of this judgment until fully paid.

WHEREFORE, this court **ADOPTS** the findings of fact and conclusions of law in the June 17, 2014 Decision of the Court of Appeals in CA-G.R. CR-HC No. 01401, and **AFFIRMS** the Decision in finding accused-appellants Lloyd Escoton alias Dodie and Ariel Nabong alias Aying guilty beyond reasonable doubt of murder under Article 248 of the Revised Penal Code, with **MODIFICATION** in that accused-appellants are not eligible for parole, and all damages awarded shall be subject to 6% legal interest per annum from the finality of this judgment until its full satisfaction.

SO ORDERED."

Very truly yours,

MA. LOURDES C. PERFECTO
 MA. LOURDES C. PERFECTO
 Division Clerk of Court
2/14

¹⁰ See *People v. Oloverio*, G.R. No. 211159, March 18, 2015 <<http://sc.judiciary.gov.ph/jurisprudence/2015/march2015/211159.pdf>> 19 [Per J. Leonen, Second Division] and *People v. Casas*, G.R. No. 212565, February 25, 2015 <<http://sc.judiciary.gov.ph/pdf/web/viewer.html?file=/jurisprudence/2015/february2015/212565.pdf>> 9 [Per J. Perlas-Bernabe, First Division].

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Regional Trial Court, Branch 11
San Jose, Antique 5700
Crim. Case No. 2002-12-8726

LLOYD ESCOTON AND
ARIEL NABONG (reg)
Accused-Appellants
c/o The Director
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THE DIRECTOR (reg)
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