

SECOND DIVISION

[G.R. No. 174477, October 02, 2009]

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
RENATO BRACIA, ACCUSED-APPELLANT.**

DECISION

BRION, J.:

This is an appeal from the May 30, 2006 Decision^[1] of the Court of Appeals (CA) in CA-G.R. CR-HC No. 00906. The CA affirmed the May 8, 1997 Decision^[2] of the Regional Trial Court (RTC), Branch 18, Albay, finding appellant Renato Bracia (*appellant*) guilty beyond reasonable doubt of the crime of murder and sentencing him to suffer the penalty of *reclusion perpetua*.

ANTECEDENT FACTS

The prosecution charged the appellant and Jessie Boy Bercasio (*Bercasio*) before the RTC with the crime of murder under an Information that states:

That on or about the 30th day of October 1994 at more or less 4 o'clock in the early morning, at *Barangay* Cabasan, Municipality of Bacacay, Province of Albay, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, while armed with bolos, with intent to kill, conspiring, confederating and helping one another, motivated with hate and ill-feeling, with evident premeditation, treachery, abuse of superior strength and nocturnity, did then and there willfully, unlawfully and feloniously assault, attack, hack and stab RESTITUTO BARCEBAL, JR. who was on his way home, thereby inflicting several mortal hack and stab wounds: stab wound, 8.5 x 4.5 cm. penetrating, back, (R) - 8.5 cm. from superior iliac crest; stab wound, 4.5 cm. x 2 cm., umbilical area, penetrating, 5 cm. above the umbilicus; hacked wound, 11 cm. long cutting the pinna of right ear, from the area of external auditory canal, extending to the face, with fracture of zygomatic bone, right; and eighteen (18) other hacked, incised and stab wounds at the back and front side of the body of the latter, which caused his death, to the damage and prejudice of his heirs.

ACTS CONTRARY TO LAW.^[3]

The appellant and Bercasio pleaded not guilty to the charge upon arraignment.^[4] The prosecution presented the following witnesses in the trial on the merits that followed: Edgar Constantino (*Edgar*); Dr. Merlie Gomez Beltran (*Dr. Beltran*); Fr. Rally Gonzales (*Fr. Gonzales*); Salvacion Burce vda. De Barcebal (*Salvacion*); SPO4 Antonio Bermundo (*SPO4 Bermundo*); SPO4 Marciano Berdin (*SPO4 Berdin*); and Eddie Belen (*Eddie*). The appellant, Hipolito Panong (*Hipolito*), Maura Bracia

(*Maura*), and Erwin Besmonte (*Erwin*) took the witness stand for the defense.

Edgar testified that in the early morning of October 30, 1994, Fr. Gonzales asked him and Restituto Barcebal, Jr. (*Restituto*) to accompany him (Fr. Gonzales) to the convent in Cabasan.^[5] This convent was an annex of the Cabasan Church.^[6] At that time, the three (3) of them were in the house of Restituto located in Calambog, Cabasan, Bacacay, Albay.^[7] They left Restituto's house at around 3:00 a.m.^[8] While they were walking towards the convent, Fr. Gonzales asked Restituto the name of the person behind them. Restituto answered that it was "*Renato*."^[9]

They arrived at the convent at around 4:00 a.m.^[10] Not long after Edgar and Fr. Gonzales entered the convent,^[11] Edgar heard Restituto shouting, "*Please help me*."^[12] Edgar went out and saw the appellant and Bercasio hacking Restituto with bolos. Edgar was more or less 10 meters from them. He maintained that he recognized the appellant and Bercasio because the moon was bright.^[13] Edgar then hid behind the altar.^[14] He saw Restituto run towards the other side of the road^[15] - about 20 meters from the site of the first hacking incident,^[16] but the appellant and Bercasio went after him; they continued hacking Restituto when they caught up with him.^[17] When Restituto fell down, the appellant uttered, "*Restituto Barcebal, rimati ka na, gadan ka na*" (Restituto Barcebal, you're finished, you're dead). Thereafter, the appellant and Bercasio ran to different directions. Edgar immediately went inside Fr. Gonzales' room because he was afraid.^[18]

On cross examination, Edgar testified that Restituto was a resident of *Barangay* Calambog; and that the appellant's house was located beside a road leading to Restituto's house.^[19] He explained that he entered the convent two minutes after he arrived, and then went inside Fr. Gonzales' room to sleep.^[20] He was unable to sleep and heard Fr. Gonzales snoring after 30 minutes.^[21] After a while, he heard Restituto shout for help.^[22]

Dr. Beltran, the Rural Health Physician of Bacacay, Albay, declared on the witness stand that she conducted an autopsy on the remains of the victim on October 31, 1994, and made the following findings:

FINDINGS:

1. General Survey: The whole body is in curved position with flexion of both upper and lower extremities.
2. Hacked wound, 11 cm. long, cutting the pinna of right ear, from the area of external auditory canal, extending to the face, with fracture of zygomatic bone, right.
3. Stab wound, 3 cm. long, superficial, from eyebrow to superior orbital area, left.
4. Stab wound, 8.5 x 4.5 cm. penetrating, back (R) - 8.5 cm from superior iliac crest.

5. Hacked wound with incomplete avulsion of skin, 13 cm. long x 7 cm proximal third, arm, left, posterior area.
6. Hacked wound, 6.5 cm x 5 cm. proximal third, antero-lateral area, arm, left.
7. Hacked wound, 13 cm long, proximal third, posterior area, arm, left
8. Stab wound, 3.5 cm x 2 cm, 1.2 cm in depth, posterior axillary line, (4.5 cm below the axilla, left)
9. Hacked wound with fracture of metacarpal bone, hypothenar area, hand, right
10. Hacked wound, 6 cm x 2 cm, lateral area, distal third, forearm, left
11. Amputation, middle third, third digit, right hand.
12. Incomplete amputation, second digit, right hand.
13. Hacked wound, with fracture of wristbone, left hand.
14. Incised wound, 6 cm., palm, left
15. Incised wound, 2 cm. superficial, dorsal area, wrist left.
16. Hacked wound, 8 cm x 2.5 cm. antero lateral area, 11 cm above the knee, left thigh.
17. Hacked wound, 7 cm. x 2.5 cm., antero-lateral area, 8 cm above the knee left thigh.
18. Incised wound, base of thumb, left.
19. Incised wound, 2 cm x 0.5 cm. lateral area, middle third, forearm right.
20. Stab wound, 4.5 cm. x 2 cm. umbilical area, penetrating 5 cm above the umbilicus.
21. Stab wound, 2 cm x 1 cm, superficial, epigastrium, left.
22. Incised wound, 4 cm superficial, middle third, thigh, left.

INTERNAL FINDINGS:

1. Stab wound, 4.5 cm. large intestines with involvement of the mesentery and mesenteric vessels.
2. Stab wound, 4.5 cm. head of pancreas.

3. Stab wound, vena cava.
4. Hemoperitoneum - more than 1 liter
5. Presence of fecal material outside of the intestines

FINAL DIAGNOSIS:

Hypovolemia

Stab wound, abdomen

Multiple Hacked wound.^[23]

According to Dr. Beltran, the victim suffered 21 external injuries and 5 internal injuries.^[24] She opined that due to the number of injuries, the wounds could have been inflicted by more than one (1) person.^[25]

Fr. Gonzales narrated that he said mass in San Pablo, Albay at 3:00 p.m. on October 29, 1994. He proceeded to *Sitio* Calambog at around 10:00 p.m., and slept at the house of Restituto.^[26] At around 3:00 a.m. of October 30, 1994, he asked Restituto and Edgar to accompany him to the convent in Cabasan, Bacacay. Upon reaching the convent, Restituto asked that he be allowed to go home because he would take his family to the "*poblacion*" to celebrate his father's death anniversary.^[27]

At around 6:00 a.m. of the next day, Fr. Gonzales' brother woke him up and told him that Restituto had been killed. He saw Restituto's body and observed that it was covered with blood and bore a lot of stab wounds. He took pictures of the body and reported the incident to the police. He later gave these pictures to the Chief of Police of Bacacay.^[28]

Fr. Gonzales recalled that while he, Restituto, and Edgar were walking towards the convent in Calambog, he saw two people following them. When he asked Restituto who these people were, Restituto answered, "*Renato Bracia*."^[29]

Fr. Gonzales also narrated that on October 19, 1994, while he, his brothers and sisters, and Restituto were walking in Cabasan, the appellant suddenly shouted at them, "*Maski sampolong Granada an ipasabog sakuya dai aco natatatkot*" (Even if ten grenades are thrown at me, I'm not afraid). The appellant further uttered, "*Jun, kaya kong inumon an dugo mo*." Fr. Gonzales advised Restituto to ignore the appellant.^[30]

On cross examination, Fr. Gonzales stated that he reported the killing to the police on October 30, 1994; thereafter, he was investigated by the police.^[31] He recalled that soon after arriving at the convent, Restituto asked for permission to go home. He entered his room at the convent at about 3:20 a.m. and soon fell asleep. Edgar was also in his room at that time. He was informed that Restituto had been killed when he woke up at 6:00 a.m.^[32]

Salvacion, the widow of Restituto, narrated that on October 30, 1994, Edgar

informed her that her husband had been killed; she immediately went to Cabasan and saw her husband's lifeless body covered with blood.^[33] She confirmed that Restituto's brothers and sister shouldered the funeral expenses which amounted to P28,000.00.^[34] She admitted not knowing how much was spent for the wake because somebody took care of it. She added that she spent P200.00 for every mass during the wake; P6,000.00 for the cemetery lot and tomb; P2,000.00 for transportation during the funeral procession; and P5,000.00 for the last prayer or "*katapusan*."^[35] Salvacion further testified that her husband was 29 years old when he died; and that he worked as a farmer and earned P5,000.00 a month as administrator of his parents' land.^[36]

On cross examination, Salvacion recalled that Fr. Gonzales and Restituto arrived at her house at around 7:30 p.m. on October 29, 1994. They came from San Pablo where Fr. Gonzales celebrated mass; Restituto acted as acolyte. Fr. Gonzales and Restituto left at 3:00 a.m. of October 30, 1994 to go to the church in Cabasan.^[37]

SPO4 Bermundo testified that at around 8:00 a.m. of October 30, 1994, he and SPO2 Jaime Barcebal (*SPO2 Barcebal*) were instructed by the chief of police to investigate a hacking incident in Cabasan. They immediately conducted an investigation when they arrived at the Cabasan Parish Church at 10:00 a.m. They interviewed Fr. Gonzales and then conducted an ocular inspection of the crime scene.^[38] They noticed that there were blood stains on the bamboo fence near the appellant's house, as well as footprints and blood stains on the road leading to his house. They proceeded to the Cagraray Emergency Hospital where they saw the victim's body.^[39]

Thereafter, they went to the appellant's house and asked for his whereabouts from his grandmother. The latter told them that the appellant was out gathering firewood. They were skeptical because it was not customary to gather firewood on Sundays, and thus waited for the appellant's arrival. They finally saw the appellant at around 1:00 p.m. and invited him to the Bacacay Police Station.^[40] They added that on October 31, 1994, Edgar went to the police station and identified the appellant.^[41]

On cross examination, SPO4 Bermundo stated that they talked to Fr. Gonzales and to other people at the convent when he and SPO2 Barcebal arrived there. They toured the vicinity, and then returned to the convent at around 11:00 a.m.^[42] He maintained that he investigated Edgar at the police station on October 31, 1994.^[43] He explained that the scene of the hacking was 30 meters from the house of the appellant, and that the blood stains began on the road leading towards the appellant's house.^[44]

SPO4 Berdin, the Property Evidence Custodian and Chief Administrative Officer of the Bacacay Police Station, identified the bolo ("*guinunting*") and knife presented in court as the same bolo and knife given to him by SPO4 Alfredo Base.^[45]

Hipolito, a *barangay tanod* of Cabasan, declared on the witness stand that the appellant went to his hut at around 7:00 a.m. of October 30, 1994, and told him that he (appellant) had killed somebody. Hipolito advised the appellant to wait for the arrival of the police authorities. Meanwhile, the appellant requested permission