

## SECOND DIVISION

[ G.R. No. 137751, February 01, 2001 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
TEODORO LAUT Y REBELLON<sup>[1]</sup> AND DOMINGO LAUT Y SEVILLA,  
ACCUSED-APPELLANTS.**

### D E C I S I O N

**BELLOSILLO, J.:**

TEODORO LAUT y REBELLON and DOMINGO LAUT y SEVILLA appeal from the Decision of the court *a quo* finding them guilty of murder and imposing upon them the penalty of *reclusion perpetua* and ordering them to pay the heirs of TOMAS FLORES SR., P14,390.50 as actual damages and P30,000.00 as moral damages.<sup>[2]</sup>

The version of the prosecution is that in the early afternoon of 28 November 1995, ten (10)-year old Tomas Flores Jr., was planting *palay* together with his mother Erlinda Flores in their rice field located in Biong, Cabusao, Camarines Sur. His younger brother Joel was playing in the fields. He chanced to look up the slope where he last saw his father Tomas Flores Sr., plowing the earth with his carabao but did not see him there. He dashed up the slope and at his vantage view saw his father being chased by his neighbor Domingo Laut. In no time, Domingo overtook his father and hacked him on the leg. He (Tomas Jr.) shouted to his mother that his father was being attacked. Erlinda scurried up the slope and saw Domingo continuously hacking her husband who had already fallen. She also saw that Domingo's brother Joselito and their father Teodoro join in the fray. Erlinda looked at Teodoro and noticed that he was carrying two (2) *bolos*, one tucked in his waist and the other raised in his right arm. She rushed to her husband and pleaded with the Lauts to stop the carnage. Tomas Jr. meanwhile ran to the *poblacion* to seek help. Domingo menacingly advanced towards her and struck her head with the handle of a scythe while exhorting her, "*Saro ka pang hayop ka, gagadanon taka!*" (you're another one, I will kill you!). Erlinda's *bandana* fell from her head as she dashed for safety towards the direction of her home. Domingo pursued her but she managed to elude him.

While playing, Joel saw his *Manoy* Junior and his mother scampering in different directions. He ran to where they were and saw the Lauts hacking his father who was already lying on the ground bathed in his own blood. Upon seeing his father, he cried and then fled.

Upon reaching her *barangay*, Erlinda sought help from her neighbor Luis Nacor who accompanied her home and advised her to wait for the authorities. Soon enough, several police officers arrived with her son Junior and they proceeded to the rice fields where she last saw her husband fall. There they saw her husband, unconscious, soaked in his own blood. Several men lifted his body from the ground and brought him to the hospital where he died.

The necropsy examination conducted by Dr. Eduardo P. Madrilejo, Municipal Health Officer of Cabusao, Camarines Sur, revealed that Tomas Flores, Sr., had sustained a total of twelve (12) hack wounds, the most fatal of which was the "partial avulsion wound at the anterior middle aspect of the neck measuring three (3) inches."<sup>[3]</sup>

On the same day, Teodoro Laut and his sons Domingo and Joselito were arrested and brought to the police station. Teodoro and Domingo were detained at the Tinangis Penal Farm while Joselito, who was barely fifteen (15) years of age, was placed under the custody of the Department of Social Welfare and Development of Cabusao, Camarines Sur.

At the trial, the prosecution presented Erlinda, Tomas Jr., Joel, SPO4 Gerardo Gigic and Dr. Madrilejo as witnesses. After the testimonies of Erlinda, Tomas Jr. and Joel, Teodoro took the witness stand and claimed sole responsibility for the killing of Tomas Flores Sr. Teodoro insisted that he acted in self-defense. Consistent with their father's testimony, Domingo and Joselito denied participation in the crime and proceeded to present their respective alibis.

Teodoro testified that on 28 November 1995 he was at the bamboo grove which separated his property from the land tilled by Tomas. According to him, he was given by the landlord of Tomas, a certain Felix Gonzales, the authority to trim several clumps of bamboo that were encroaching on his property. Suddenly, someone struck his head from behind. He faced his attacker and recognized Tomas Flores Sr. who furiously said, "You fight because this is the end of your life!"<sup>[4]</sup> Tomas was holding a bolo in his right hand and a piece of wood on the other. Sensing danger, he moved backwards. Tomas attacked him with his bolo and he parried his blows. Since he knew a little of *armas de mano*<sup>[5]</sup> he was able to disarm Tomas and succeeded in getting hold of the latter's bolo. However, Erlinda, who was at her husband's side, gave him another bolo while shouting "kill him!"<sup>[6]</sup> With a new bolo in hand, Tomas and Teodoro then fought it out. In the course of the fight, Teodoro inflicted several wounds on Tomas. With all his strength, he struck Tomas at the back. Tomas lost his balance and fell. Seeing that Tomas was already lying on the ground, he gathered the two (2) bolos used by Tomas in attacking him and wrapped them under his jacket. On his way to the Bicol Sanitarium for the treatment of his wounds, he met his son Joselito who accompanied him. Together, they proceeded to the hospital where he supposedly surrendered the two (2) bolos to the security guard. At the hospital, Dr. Delfin Sunga attended to his wounds located at his left eyebrow, earlobe and right knee.<sup>[7]</sup> The policemen came later with his son Domingo and together they were taken to the police station where they were detained.

Accused Domingo testified that on the afternoon in question, he was weeding his rice field located four (4) kilometers away from the scene of the crime. According to him, he left home right after lunch, at approximately 11:00 o'clock in the morning, and stayed at his rice field all afternoon. He came home at dusk and was informed that his father was being treated at the hospital for hack wounds. After washing himself, he went to the Bicol Sanitarium where he saw several policemen waiting for his father. They asked him to accompany his father to the police station and he obliged. At the police station, he was detained together with his father. His protestations for release fell on deaf ears.