

SECOND DIVISION

[G.R. No. 95355, February 24, 1998]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
EDUARDO "EDDIE" ROBEDILLO, ARTEMIO "ARTEM" YEPES,
ARTEMIO "ARTEM" NOVIO, AND ANACLETO "YONTONG" NOVIO,
ACCUSED, EDUARDO "EDDIE" ROBEDILLO, ARTEMIO "ARTEM"
YEPES, AND ANACLETO "YONTONG" NOVIO, ACCUSED-
APPELLANTS.**

DECISION

MENDOZA, J.:

This is an appeal from the decision of the Regional Trial Court, 8th Judicial Region in Palo, Leyte convicting accused-appellants Eduardo "Eddie" Robedillo and Anacleto "Yontong" Novio, together with Artemio "Artem" Yepes (now deceased), of murder and sentencing each one to suffer the penalty of *reclusion perpetua* and jointly and severally to indemnify the heirs of the victim Martiano Cinco the sum of ₱30,000.00.

The information in this case alleged -

That on or about the 30th day of May, 1988, in the Municipality of Tolosa, Province of Leyte, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with decided intent to kill, conspiring, confederating and mutually helping each other, with treachery and taking advantage of superior strength, did, then and there wilfully, and feloniously attack, assault, stab and hack one Martiano Cinco, with the use of bladed weapons which the accused had provided themselves for the purpose, thereby inflicting upon said Martiano Cinco wounds on the head, chest and back, which wounds directly caused his death shortly thereafter.^[1]

Charged in the information were Eduardo "Eddie" Robedillo, Artemio "Artem" Yepes, Artemio "Artem" Novio, and Anacleto "Yontong" Novio. Trial proceeded as to all except Artemio "Artem" Novio who was and, to this date, remains at large.

The prosecution presented two eyewitnesses: Sammy Cinco, the then 16-year old son of the victim, and Eufrocina Cinco, the victim's common-law wife.

Sammy Cinco testified^[2] that at about 4 p.m. on May 30, 1988, he and his father, Martiano Cinco, went to the house of Felicísimo Novio upon invitation of Artemio Novio who said there was a party in that house. It turned out that among the other guests invited were the four accused.

Sammy said that, after eating, he decided to wait for his father outside the house and sat down under a jackfruit tree nearby. Shortly thereafter, he saw his father jump out of the house through the balcony and run past him. He was being pursued by the four accused who were all armed with bolos. Sammy noticed that his father had been wounded on the back and was profusely bleeding. The four caught up with his father in the nearby ricefield. From where he had hidden behind some ornamental plants,

Sammy saw his father kneeling with both hands raised, pleading for mercy as he was surrounded by his captors.

That was to be his father's last deliberate act. Artemio and Anacleto Novio started the assault directly from the front, followed closely by Eduardo Robedillo with hacking blows to the victim's right. From behind, Artemio Yepes stabbed Martiano Cinco on the back. The four then took turns striking Martiano until he fell down to the ground face first.

After witnessing the gory scene, Sammy fled home to report the incident to his brother.

Eufrocina Cinco testified next.^[3] She said that at the time of the incident, she was home doing household chores. Their house was only about 100 meters from the house to which her husband and Sammy had gone. Hearing people shout, she went out of the house and saw her husband Martiano Cinco in a kneeling position, 80 meters away, with his hands up as the four accused, all armed with bolos, surrounded him. Eufrocina could not stand the sight and so covered her eyes. But later she summoned enough courage and managed to look. She saw the four men hacking away at their victim. She saw Martiano hit the ground, as accused-appellant Robedillo continued attacking her husband even after the other three had left. Robedillo then walked towards Eufrocina's house and shouted, "Who else is aggrieved?" Eufrocina managed to say, "Eduardo, that is enough as you have already killed my husband." Eufrocina said she suspected Robedillo to have harbored some resentment against her husband because the latter had filed a complaint against Robedillo for theft of a pig.

Eventually, the wife of the said accused-appellant came and took him away. This allowed Eufrocina to report Martiano's killing to the police.

Dr. Alicia S. Songalia, Municipal Health Officer of Tolosa, Leyte, conducted the post-mortem examination. She found that the victim had suffered 11 wounds in various parts of the body.^[4] Her report (Exh. A) contained the following findings:

POSTMORTEM FINDINGS

RIGOR MORTIS

1. HEAD INCISED WOUND, 8 cm right frontal lobe area exposing the skull
2. CHEST INCISED WOUND, 7.5 cm left susclaviacular area injuring underlying tissues and blood vessels
3. WOUND, stab, 3 cm along left anterior axillary line injuring underlying tissues and blood vessels.
4. WOUND, stab, 2 cm along left parastomal line injuring the right ventricular area
5. WOUND, stab, 10 cm left upper quadrant with prolapsed transverse colon
6. BACK INCISED WOUND, 5 cm right subscapular region stab, injuring the lung tissue and blood vessels
7. LACERATED WOUND, 15 cm length 5cm below #6 exposing subcutanenous tissues