

FIRST DIVISION

[G.R. No. 101332, March 13, 1996]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. CLARO BERNAL, MANUEL BERNAL AND RAMON BERNAL, ACCUSED-APPELLANTS.

D E C I S I O N

VITUG, J.:

Brothers Claro Bernal, Manuel Bernal and Ramon Bernal were charged before the Regional Trial Court of Tabaco, Albay, Branch 17,^[1] with the murder of Vicente Barrameda (Criminal Case No. T-1863) in an information that read:

"That on or about the 27th day of November, 1988 at more or less 3:00 o'clock in the afternoon at Pigcobohan, Municipality of Bacacay, Province of Albay, Philippines and within the jurisdiction of this Honorable Court, the above named accused, conspiring, confederating and mutually helping one another, with intent to kill, with treachery, taking advantage of superior strength, with evident premeditation, did then and there, wilfully, unlawfully, feloniously, assault, attack and hack one VICENTE BARRAMEDA with bolos and a bamboo spear thereby inflicting upon the latter multiple mortal wounds which caused his death, to the damage and prejudice of the offended party.

"ACTS CONTRARY TO LAW."^[2]

At their arraignment, the accused pleaded not guilty to the charge.

The evidence for the prosecution sought to establish the following version of the incident:

In the afternoon of 27 November 1988, in Pigcobohan, Bacacay, Albay, Luisa Barrameda and her 42-year-old husband, Vicente Barrameda, together with their daughter, Hayde Barrameda, were at the store of one Nora Ballatan. Vicente Barrameda was seated on a wooden bench near the door of the store. Also present were Marivic Ballatan, Salvador Barcelona and Celso Benosa.

At about three o'clock, the Bernal brothers, the accused Claro, Manuel and Ramon, arrived. Claro remarked, "Ano fight?"^[3] Instantly, Claro started hitting Vicente on the head with a "jungle bolo." Using a wooden stool, Vicente tried to parry the thrusts until he fell to the ground. He attempted to crawl out from the store but his way was blocked by Ramon and Manuel.^[4] Ramon struck Vicente with a pointed bamboo stick on the chest while Manuel delivered bolo blows.

Luisa screamed, shouted and begged for mercy from the assailants.^[5] She embraced her husband, who was by then in a half-kneeling position with his left leg on the floor, his buttocks resting thereon and his right leg spread out to the right, and she picked up his now severed left hand.^[6] Just as she did, Claro gave another hacking blow which hit Luisa's right hand. At about this time, her son Alfredo arrived, but the three assailants turned on him. Fortunately, Alfredo was able to escape and hide from the trio. Claro wiped the blood from his bolo, smeared it on his face and shouted that he was going to "kill (them) all."^[7]

Luisa sought the help of Celso Benosa, Raymundo Balaguer and Carmelo Barrameda to have her badly wounded husband brought to the hospital. Barangay Captain Apeles Barbacena, who was standing on an elevated portion of the land, berated Balaguer, the barangay secretary, for extending help to the victim.^[8] Luisa expressed the belief that Barangay Captain Barbacena, a cousin of the accused, "masterminded" the killing of her husband. Barbacena was said to be a person against whom her husband Vicente had a grudge because of a land mortgage dispute Barbacena had with Vicente's parents. It appeared that on 14 March 1988, a certain Junior Baroso went to warn Vicente to take extra precaution because Barbacena had threatened to get him (Vicente) killed. Vicente thus inscribed on his calendar:^[9] "Report ni Jr. Baroso na aco plano ipapatay kan barangay captain Apeles Barbacena." The following day, Luisa herself went to see Barbacena to talk him out of it.^[10]

The deceased victim left behind Luisa and their five children. The family incurred the amount of P4,000.00 for funeral expenses. It was Luisa's brother-in-law who contracted the services of a private prosecutor.^[11]

Sexagenarian Salvador Barcelona, an eyewitness, corroborated Luisa's narration and so pointed to the three Bernal brothers as the perpetrators of the crime. He declared that Claro first struck the victim on the head, followed by Ramon who stabbed the victim on the chest with a sharp piece of bamboo, and then Manuel who hit the victim with a bolo ("guinunting") at the back, hips and arms.^[12]

Dr. Arsenia L. Mañosca, municipal health officer of Cagraray Island, conducted the autopsy. She found Vicente to have sustained multiple injuries: (a) head: six incised wounds and "partially avulsed scalp" on the left temporal and right parietal regions; (b) neck: an incised wound and a superficial abrasion at the anterior carotid triangle; (c) anterior chest wall: a lacerated wound, a superficial friction abrasion and superficial linear abrasions; (d) posterior chest wall: a stabbed wound at the upper scapular region, a superficial friction abrasion and superficial linear abrasions; (e) anterior abdomen: a superficial linear abrasion and a superficial impact abrasions; (f) posterior abdomen: a superficial impact abrasion, and (g) extremities: three hacking wounds, three incised wounds, superficial linear abrasions, and two avulsions at the lateral aspect distal 1st right phalange. The cause of Vicente's death was attributed to hypovolemic shock secondary to massive hemorrhage due to multiple hacking and incised wounds and fat embolism secondary to multiple fractures.^[13] Dr. Manosca opined that a total of forty-six wounds found on the victim could have been caused by two or three kinds of instruments.^[14]

The defense presented its own story.

Alleging self-defense, 40-year-old Claro Bernal testified that just as he arrived at the store of Josefina Ballatan that afternoon of 27 November 1988, Vicente suddenly struck him with a stool. Hit on the right eyebrow near the temple,^[15] Claro immediately moved backwards and then tried to run away from Vicente but the latter gave chase. When Vicente was about to overtake the accused, the latter saw a bamboo stick, picked it up and thrust it on Vicente's abdomen. He saw Luisa coming out from her house. She asked her son Alfredo, who was carrying a bolo, to hurry up. Sensing danger, he ran towards the kitchen of Josefina where he, too, grabbed a bolo. Claro and Vicente then fought it out. In the course of the fight, Vicente's right hand was hit, causing him to drop the bolo. Seeing that his protagonist was already disarmed, Claro left him.

According to Claro, the injury on Luisa's hand was inflicted not by him but Luisa's act of pulling the bolo away from Alfredo's hold. Claro said that no one intervened in his fight with Vicente, and that his brothers Ramon and Manuel were not present at the time.^[16]

Manuel and Ramon both denied any participation in the crime and interposed *alibi*. Manuel, 35 years old, testified that at around three o'clock in the afternoon of 27 November 1988, he was working at a farm in Langaton, Bacacay, Albay, around six kilometers away from Pigcobohan. He left the farm at about 4:30 that afternoon and walked home to Pigcobohan. While taking a rest, his wife informed him about the incident between his brother Claro and Vicente. Forthwith, he proceeded to Claro's house.^[17] In his case, 25-year-old Ramon said that he was at his house in Langaton, Bacacay, Albay, when Emilio Capino informed him about the "quarrel" between his brother Claro and Vicente. He then repaired to Claro's house, arriving thereat at around 5:30 in the afternoon. Prior to the incident, he had not talked to Claro for at least three months and to Manuel for around a month.^[18]

The defense likewise presented Celso Benosa, Josefina Ballatan, Corazon Obrique and Apeles Barbacena.

Celso Benosa declared that Vicente tried to prevent Claro from entering the store by using a wooden stool. When he saw that Claro was hit on the head, he and Salvador Barcelona jumped out of the store through the window. He did not witness what had happened next since he and Salvador were by that time already some distance away. It was only after the scuffle had ended and when shouts for help were heard that he saw Manuel Bernal, Ramon Bernal and Apeles Barbacena at the scene.^[19]

Storeowner Josefina Ballatan said that she was at the store during the incident. She saw Vicente hit Claro with a wooden stool. Surprised, Claro sought to flee but Vicente ran after him. Outside the store, Claro picked up a pointed bamboo stick from a nearby fence and used it on Vicente. She saw Luisa coming out from her house followed by her son Alfredo who was holding a bolo. Luisa took the bolo away from Alfredo but Vicente, in turn, was able to grab it from her. Claro went into the store kitchen and also armed himself with a bolo. Moments later, she saw the protagonists trying to hack each other. Josefina did not see Ramon and Manuel during the incident. It was about thirty minutes later when Barangay Captain Apeles Barbacena arrived at the scene.^[20]

Corazon Obrique, a sister of the accused, testified that she had filed a case of theft against Vicente, their former employee, and since then, whenever she would pass by Vicente's place, Vicente could be heard to remark that there would soon be a "delubyo" in Pigcobohan.^[21]

Apeles Barbacena, the barangay captain, denied having intimated to Vicente Baroso, Jr., any threat against Vicente's life,^[22] and he, in fact, confronted Baroso after Luisa had talked to him about it. Barbacena said that since Vicente's return to Pigcobohan from Manila, he had taken and butchered two (2) dogs, committed slight physical injuries against one Barcelon and stole a live pig owned by Corazon Obrique. Thus, upon the insistence of a former barangay captain, Barbacena drafted a petition, signed by Pigcobohan residents, asking Vicente to depart from the place.

^[23] About the incident itself, the witness said that he only learned of it later. When he arrived at the crime scene, he saw Luisa still holding her bloodied husband. He did berate Raymundo Balaguer and Celso Benosa who tried to help carry the victim but only because he thought the victim was already dead and felt that it was the police who should dispose of the body. Upon seeing, however, that the victim was still alive, he instructed Vicente's relatives to bring him to the nearest hospital. Barbacena himself could not personally give assistance to the victim because of his kidney ailment and inflamed joints. Vicente expired at around eight o'clock that evening.^[24]

On 10 May 1991, the trial court rendered its decision, giving credence to the evidence for the prosecution and disposing of the case as follows:

"WHEREFORE, finding accused CLARO BERNAL, MANUEL BERNAL and RAMON BERNAL GUILTY of the crime of **MURDER** defined and penalized under Article 248 of the Revised Penal Code, as their guilt had been proven beyond reasonable doubt, and considering the aggravating circumstances and no mitigating circumstances attendant, the Court orders, as it is hereby ordered, for each and all of them, to suffer the punishment, an imprisonment of Reclusion Perpetua.

"Likewise, the three named accused are ordered to pay the heirs of Vicente Barrameda y Beguiras the amount of THIRTY THOUSAND (P30,000.00) PESOS, as civil indemnity; and the incurred expenses during the death of the victim for TEN THOUSAND (P10,000.00) PESOS.

"The three named accused are ordered to pay the costs of the proceedings proportionately.

"SO ORDERED."^[25]

In their appeal to this Court, appellants contend that the trial court has erred in finding sufficient proof to establish beyond reasonable doubt the guilt of the three accused.

Like in most criminal cases reaching the Court, it is here also asked that we discard the findings of fact of the trial court and evaluate anew the probative value of the evidence. It has thus become a persistent monotony for the Court to hold, since more often than not the challenge relates to the credibility of witnesses, that it is