

SPECIAL FIFTH DIVISION

[CA-G.R. CR-H.C. NO. 01646, June 22, 2006]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RAMON LAGUERTA AND RANIE LAGUERTA, ACCUSED-APPELLANTS.

DECISION

BARRIOS, J.:

Antonio Hilis (or hereafter Hilis), an able bodied laborer, was slain at 7:30 in the morning of July 9, 1992 in Brgy. Incarizan, Magallanes, Sorsogon. The cause of his death was attributed to "*Hypovolomic Shock secondary to Multiple Hack Wound*", and which wounds were listed and described as follows:

External Finding:

1. Hacking wound left face from the nose extending to the left anterior auricular area 12 cm., length bone depth.
2. Hacking wound left frontal area extending to the postero temporal area 13 cm., length bone depth with left temporo parietal fracture.
3. Incised wound right neck 10 cm., length subcutaneous depth.
4. Hacking wound right neck 10 cm., length subcutaneous depth.
5. Incised wound 20 cm., length skin depth anterior left chest.
6. Incised wound 18 cm., length muscle depth right lower quadrant, muscle depth.
7. Hacking wound left back (paravertebral) area 10 cm., length muscle depth.
8. Hacking wound 18 cm., length left paravertobral extending to the right lower paravertobral area muscle depth, fracture of the vertebrae level of T8 with penetrating wound left lung cavity.
9. Hacking wound 15 cm., length transverse lumbar area level of L4 muscle depth with fracture of the lumbar vertebrae. (Exh. "A", p. 4, record)

Though still in extremis when being brought to town, Hilis was soon dead.

Made to answer for the slaying of Hilis, the brothers Ramon Laguerta y Escobar (or Ramon) and Ranie Laguerta y Escobar (or Ranie) were charged before the Regional Trial Court of Sorsogon with *Murder, defined and penalized under Art. 248 of the Revised Penal Code, committed as follows:*

That on or about the 9th day of July, 1992 at about 7:30 o'clock in the morning at Barangay Incarizan, Municipality of Magallanes, Province of Sorsogon, Philippines and with the jurisdiction of this Honorable Court, the above-meditation, conspiring, and mutually helping one another, armed with boloes, did then and there willfully, unlawfully and feloniously, attack, assault and hack one Antonio Hilis, thereby inflicting

upon the latter mortal wounds on the different parts of his body, which caused his instantaneous death, to the damage and prejudice of his legal heirs.

Contrary to law. (Information, p. 31, record)

Both accused pleaded Not Guilty. At the pre-trial conference nothing appreciable was stipulated, and trial ensued.

The prosecution presented the following: the eyewitnesses Tomas Deuda, Jose Llamado, and Gary Deuda, Prov. Health Officer I Dr. Wilhelmo Abrantes, Cynthia Dizon, the victim's mother Marina Hilis, Brgy. Capt. Winefreda del Rosario, government employees Alfredo Bausa and Brenda Lee, kagawad Fernando Laguerta, and police investigator SPO4 Rodrigo Rambacal and Exhibits "A", "B", "C", "D", "E", "F", "G" and "H".

Tomas Deuda, Jose Llamado and Gary Deuda corroborated in giving eyewitness accounts of the incident. On July 9, 1992, at about 7:30 in the morning, they together with Hilis, Antonio Buban and Wilfrando Lacosta were extracting the meat from coconuts for kiln drying in the farm of Tomas Deuda at Incarisan, Magallanes, Sorsogon. The brothers Ramon and Ranie arrived holding bolos and went after Hilis who tried to run. Ranie blocked his way and Ramon caught up with him and hacked Hilis on the back with his bolo. Ranie also hacked him on the back. Hilis fell on his knees and Ramon hacked him on the head. Hilis rolled on the ground moaning while Ramon and Ranie kept on hacking him. Ramon and Ranie then ran towards the barangay proper, while those who were there arranged for Hilis to be brought to a hospital and report the incident to the authorities.

Hilis was already dead when brought before Dr. Wilhelmo Abrantes, the Provincial Health Officer I. An autopsy was conducted, the result of which are stated in the Medical and Death Certificates (Exhs. "A" & "G").

Fernando Laguerta, a kagawad, said that minutes after the incident Ramon surrendered his person and bolo (Exh. "C") to him, and he took him to SPO4 Rodrigo Rambacal who in turn brought this accused into police custody. The bolo was kept and identified in court by Alfredo Bausa and Brenda Lee. Marina Hilis testified on the civil claims for her slain son who was survived by two children with his common-law wife Gina, who has since left.

Brgy. Capt. Winefreda del Rosario testified that a day before the incident, Adela the wife of Ramon complained that Hilis had filled with stones the well from which they were drawing their drinking water. She had called them for a conference on that fateful day. The incident is reflected in the barangay logbook (Exhs. "H").

Ramon claimed self-defense, while Ranie set up denial and alibi. Ramon testified on the events and his wife Adela told of the prelude. Ranie testified on his separate defense where he was corroborated by his wife Maritess and their neighbor Pedro Balala. They presented Exhibits "1", "2", "3", "4", "5", and "6".

Adela Laguerta testified that the day before the incident she and her daughter saw Hilis fill with big stones the well from where they drew their water. She reported this to Brgy. Capt. Winefreda del Rosario who scheduled them for a conference and

sent representatives to see the place, and they confirmed that her report was true. Later she had a chance to talk to Hilis about this, but he got angry and threatened her by unsheathing half-way his bolo.

Accused Ramon Laguerta testified that in the morning of July 9, 1992 he was to fetch water and to take a bath in the well on the land administered by Tomas Deuda, but he was told by his daughter not to go there anymore because Hilis had filled the well with stones. Nonetheless he went there to verify, and found this true. So he left to return home and to report the matter to the Barangay Captain when going downhill he met Hilis and asked him why he did it. Hilis was already holding a stone and he threw it at Ramon but missed because he ducked. Seeing that Hilis was unsheathing his bolo and was half-way at it, Ramon pulled out his own bolo and hacked him. He continued hacking him and Hilis fell to the ground. After that, Ramon surrendered to kagawad Fernando Laguerta together with the bolo, and he was brought to the police station at the poblacion of Magallanes and yielded by Fernando Laguerta to the police. He was then placed in a cell.

Ramon identified the affidavit (Exh. "5") executed on January 28, 1994 by the wife of Hilis, Gina, attesting that she was not anymore interested in this case and acknowledging that the amount of P10,000.00 was given to her. Although the widow was not anymore interested in pursuing the case, it was Tomas Deuda who was assiduous in its prosecution for reasons he does not know. He denied the incriminating testimonies of Tomas Deuda, Jose Llamado and Gary Deuda.

Accused Ranie Laguerta, interposing the tandem defenses of denial and alibi, said that he was not present when the incident happened as he was in his house together with Pedro Balala and Roberto del Rosario getting ready for a trip. They were going to the mountain to make copra in the coconut plantation of Ramon Laguerta. On their way they met Ramon who had a bolo in his hand and said he was going to surrender because he killed Hilis. Because of that, they went home instead. This was corroborated by his wife Marites and their neighbor Pedro Balala.

Weighing the versions and proofs submitted, the trial court found for the prosecution and rendered judgment disposing that:

WHEREFORE, premises considered, the court finds the both accused Ramon Laguerta and Ranie Laguerta guilty beyond reasonable doubt of the crime of Murder defined and penalized under Art. 248, par. 1 of Revised Penal Code and hereby sentences each to suffer the following penalty, to wit;

Accused RAMON LAGUERTA, there being a mitigating circumstance of voluntary surrender and after applying the Indeterminate Sentence Law, he is hereby sentenced to suffer an imprisonment from Ten (10) years and one (1) day of prision mayor, to Seventeen (17) years, four (4) months and one (1) day of reclusion temporal while accused RANIE LAGUERTA, there being no mitigating circumstance in his favor and the crime of murder being committed in conspiracy as alleged in the information, he is hereby sentenced to suffer an imprisonment of RECLUSION PERPETUA.

They are also sentenced to indemnify the heirs of Antonio Hilis in the