

SECOND DIVISION

[G.R. No. 200333, January 21, 2015]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
DOMINGO DILLA Y PAULAR, ACCUSED-APPELLANT.**

RESOLUTION

DEL CASTILLO, J.:

Appellant Domingo Dilla y Paular was charged with the crime of murder for the death of his brother, Pepito Dilla y Paular (Pepito). Based on the evidence presented by the prosecution, it was shown that at around 5:30 in the afternoon of July 22, 2003, at Sitio Ilaud, Himaao, Pili, Camarines Sur, Pepito was working on his farm when appellant suddenly appeared and shot the victim with a gun hitting him on his left thigh. The victim managed to run but was overtaken by appellant who then stabbed him with a bolo. The son of the victim, Pepito Jr., and Mary Jane Renegado (Renegado), witnessed the incident.

Appellant presented a different version. He claimed that it was Pepito who was the aggressor. He narrated that Pepito went to his (appellant's) house and challenged him to a fight. Dismissing the challenge, he went out of his house and proceeded to his farm to get his carabao but the victim pursued him. They grappled for possession of the gun and bolo. In the ensuing struggle, he struck the victim with a wrench. He denied having fired the gun. He pointed to somebody allegedly wearing a hat who could have shot and stabbed Pepito.

In a Decision^[1] dated July 13, 2009, the Regional Trial Court (RTC) of Pili, Camarines Sur, Branch 32, found appellant guilty of murder. Lending credence to the testimonies of the prosecution witnesses, the trial court held that the attack on the victim was perpetrated by no other than appellant; that the attack was treacherous as the appellant suddenly appeared and shot the victim, and after having wounded him, stabbed him with a *bolo*. The RTC found appellant's tale incredible and self-serving especially in view of his positive identification by the prosecution witnesses.

The dispositive portion of the trial court's Decision reads:

WHEREFORE, judgment is hereby rendered, finding the accused guilty beyond reasonable doubt of the crime of murder and sentences him to suffer the penalty of Reclusion Perpetua, together with its accessory penalties, condemning him to pay actual damages of P35,448.00, moral damages of P50,000.00 and P50,000.00 as indemnity for the death of Pepito Dilla; the accused is credited in full for his preventive detention should he agree in writing to abide by the rules for convicted prisoners, otherwise to 4/5 of the same; costs against the accused.

SO ORDERED.^[2]

Aggrieved, appellant appealed to the Court of Appeals (CA) arguing in the main that the trial court erred in finding him guilty of the charge. He contended that there was no direct proof showing that he actually killed the victim.

The CA, however, was not persuaded. Thus, in its June 9, 2011 Decision,^[3] it affirmed with modification the findings of the RTC, viz:

WHEREFORE, premises considered, the Decision of the Regional Trial Court, Branch 32, Pili, Camarines Sur, in Crim. Case No. P-3466 for Murder, convicting Domingo Dilla y Paular is AFFIRMED with MODIFICATION. Accordingly, accused is hereby sentenced to suffer Reclusion Perpetua together with its accessory penalties, and is further ORDERED to pay the victim's heirs P35,448.00, as actual damages, P50,000.00, as moral damages, and P75,000.00, as civil indemnity for the death of the victim.

SO ORDERED.^[4]

Hence, this appeal. In a Resolution^[5] dated April 18, 2012, we required both parties to file their Supplemental Briefs. However, both parties opted not to file the same.^[6] Hence, we will resolve this appeal based on the briefs submitted by the parties before the CA.

After a careful review of the records of the case, the Court finds the appeal to be lacking in merit. The records belie appellant's contention that there was no direct proof identifying him as the perpetrator of the crime. The testimonies of prosecution witnesses Pepito, Jr. and Renegado established without a shadow of doubt that it was appellant who mercilessly killed his brother, Pepito.

Pepito, Jr. was categorical in his testimony that -

Q Pepito Dilla, Jr., what is your relation to the victim in this case?

A He is my father.

Q How about to the accused in this case[,] Domingo Dilla?

A He is my uncle.

x x x

x

Q On July ^[22], 2003 at around 5:30 in the afternoon do you remember where you were?

A Yes, sir.

Q Where were you?

A I was at the side of the road in sitio Ilawod, Himaa, Pili, Camarines Sur.

Q x x x [W]hat were you doing there?

A None, sir.