

THIRD DIVISION

[G.R. No. 169871, February 02, 2011]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JOSE N. MEDIADO, ACCUSED-APPELLANT.

DECISION

BERSAMIN, J.:

An accused who asserts self-defense admits his infliction of the fatal blows and bears the burden of satisfactorily establishing all the elements of self-defense. Otherwise, his conviction for the felony of murder or homicide will be affirmed.

In this appeal, Jose N. Mediado (Jose) appeals the decision of the Court of Appeals (CA) finding him guilty beyond reasonable doubt of the crime of murder for the killing of Jimmy Llorin (Jimmy),^[1] thereby affirming the decision of the Regional Trial Court, Branch 35, in Iriga City (RTC) convicting him of that felony and imposing on him the penalty of *reclusion perpetua* and the payment of P50,000.00 as civil indemnity, P50,000.00 as moral damages, and P24,000.00 as actual damages.^[2]

Antecedents

At around 9:00 a.m. on March 20, 1997, Jimmy was having a conversation with Rodolfo Mediado (Rodolfo) at the dancing hall located in Pulang Daga, Balatan, Camarines Sur. He was around 35 meters away from Lilia, his wife, who was at a meeting of the Mr. and Mrs. Club in the barangay hall. At that moment, Lilia witnessed Jose emerge from behind Jimmy and hack Jimmy twice on the head with a bolo. She next saw Jose move to Jimmy's left side and continue hacking him although he had already fallen to the ground. Jose fled, but Juan Clorado (Clorado), a former barangay *kagawad*, ran after him. Upon catching up, Clorado seized and took the bolo from Jose, and brought Jose to the PNP station in Balatan, Camarines Sur. Lilia believed that Jose fatally assaulted Jimmy for fear that he would report to the police authorities that Jose had attacked one Vicente Parañal during the town fiesta two days earlier.^[3]

Jose confessed to killing Jimmy but claimed that he did so only to defend himself and his father (Rodolfo). Jose related that he had passed by the barangay hall on his way to work, and had observed Jimmy punch Rodolfo and hit him with a stone; that Jimmy then picked up a stone and threw it at him (Jose); that to fend off the attack, he (Jose) unsheathed his bolo and hacked Jimmy until he fell to the ground; and that he remained in the place for ten minutes and later yielded to Clorado who accompanied him to the police station where he surrendered to Police Officer Ramon Maumay.^[4]

As stated, both the RTC and the CA rejected Jose's claim of self-defense and defense of a relative, and found that treachery was employed by Jose when he attacked

Jimmy from behind.

Hence, this appeal.

We affirm the CA decision.

We reiterate that findings of the CA upon factual matters are conclusive and ought not to be disturbed unless they are shown to be contrary to the evidence on record.

[5] Here, Jose has not demonstrated to our satisfaction that the CA committed any reversible error in making its findings of fact against Jose.

Specifically, the RTC and the CA correctly rejected Jose's claim of self-defense and defense of a relative because he did not substantiate it with clear and convincing proof.

The *Revised Penal Code* delineates the standards for self-defense and defense of a relative in Article 11, viz:

Article 11. *Justifying circumstances.* The following do not incur any criminal liability:

1. Anyone who acts in defense of his person or rights, provided that the following circumstances concur:

First. Unlawful aggression;

Second. Reasonable necessity of the means employed to prevent or repel it;

Third. Lack of sufficient provocation on the part of the person defending himself."

2. Anyone who acts in defense of the person or rights of his spouse, ascendants, descendants, or legitimate, natural or adopted brothers or sisters, or his relatives by affinity in the same degrees and those by consanguinity within the fourth civil degree, provided that the first and second requisites prescribed in the next preceding circumstance are present, and the further requisite, in case the provocation was given by the person attacked, that the one making defense had no part therein.

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Indeed, upon invoking the justifying circumstance of self-defense, Jose assumed the burden of proving the justification of his act with clear and convincing evidence. This is because his having admitted the killing required him to rely on the strength of his own evidence, not on the weakness of the Prosecution's evidence, which, even if it were weak, could not be disbelieved in view of his admission. [6]

It is also notable that unlawful aggression is the condition *sine qua non* for the justifying circumstances of self-defense and defense of a relative. There can be no