

SECOND DIVISION

[G.R. No. 189326, November 24, 2010]

**PEOPLE OF THE PHILIPPINES, APPELLEE, VS. FRANCISCO
RELOS, SR., APPELLANT.**

R E S O L U T I O N

NACHURA, J.:

In an Information dated December 28, 2005, appellant Francisco Relos, Sr., together with his brother, Oliver Relos (Oliver); sons, Francisco Relos, Jr. (Francisco, Jr.) and Regie Relos (Regie); nephews, Georgie Relos (Georgie), Larry Relos (Larry), and Olijames Relos (Olijames); and sons-in-law, Allan Falabiano (Allan) and Steve Paa (Steve), was charged for killing his cousin, Ramon Relos, Sr., thus:

That on or about DECEMBER 26, 2005, in the [M]unicipality of Lal-lo, [P]rovince of Cagayan, and within the jurisdiction of this Honorable Court, the above-named accused, armed with knives, bolos and a hand grenade, with intent to kill, with evident premeditation and with treachery, and by the use of superior strength, conspiring together and helping one another, did then and there willfully, unlawfully and feloniously assault, attack, stab[,] and hack one Ramon Relos, Sr., inflicting upon the latter multiple stab/hack wounds in the different parts of his body which caused his death.

CONTRARY TO LAW.^[1]

On December 26, 2005, at past 7:00 a.m., the victim and his son, Ramon Relos, Jr. (Ramon, Jr.), alighted from a jeepney and walked along the highway towards the house of Feliciano Relos, Jr. (Feliciano, Jr.), the victim's brother. Appellant was then leaning on the fence in front of his house, while his son, Francisco, Jr., and Oliver were across the road. The victim was walking about five meters ahead of his son and was almost in front of appellant's house when Oliver approached him and greeted him, "Merry Christmas, *insan!*" while drawing his knife. Appellant approached the victim from behind and suddenly hacked him with a bolo on the right shoulder. Francisco, Jr. followed it with hack to the victim's left shoulder. Oliver then placed his arm over the victim's shoulders and stabbed the victim several times on the front portion of his body.

Ramon, Jr. shouted at the assailants, telling them to stop hurting his father, but he was chased by Francisco, Jr., who was holding a bolo with a long handle, and Allan and Larry, who were also armed with knives. Francisco, Jr. caught up with Ramon, Jr. and hacked him, but the latter was able to jump over a drainage canal and run away.

Meanwhile, the victim fell on the ground after he was stabbed by Oliver. Rogelio Bautista, Jr. (Rogelio, Jr.), the victim's nephew, who had just come from the store, witnessed the incident and shouted to Feliciano, Jr. that his brother had been killed. Feliciano, Jr. and Rogelio, Jr.'s mother, Gloria, ran out of the house in the direction of where the victim was, but they were met by Georgie and Olijames, who were holding a *kris* and a bolo, so they retreated.

Regie and Steve pushed the victim's body towards a canal. Thereafter, Oliver cut off the victim's head, showed it to passersby, and then dropped it on the road. He then went to his house and brought out a gun and a hand grenade. He tried to shoot Gloria and Rogelio, Jr., but the gun would not fire. Instead, he threw the hand grenade at them, but it hit a tree near him and exploded.

About 10 to 15 minutes later, the police arrived and arrested appellant, Oliver, Francisco, Jr., Larry, and Georgie. The others ran away.

During arraignment, Oliver pleaded guilty, while the others, including herein appellant, pleaded not guilty.

On October 25, 2006, the Regional Trial Court (RTC) rendered a decision^[2] finding appellant, Oliver, and Francisco, Jr. guilty of murder, thus:

WHEREFORE, the Court finds accused Oliver Relos and Francisco Relos, Sr., "GUILTY" beyond reasonable doubt of the crime of "Murder" for killing Ramon Relos, Sr., and finds accused Larry Relos, Allan Falabiano, Regie Relos, Olijames Relos, Steve Paa[,], and Georgie Relos "Not Guilty" for lack of evidence and orders their acquittal. They being detention prisoners, they are hereby ordered released immediately unless detained for some other lawful cause.

The sentencing of minor accused Francisco Relos, Jr.[,], though found to be guilty[,], is hereby suspended pursuant to the provisions [of] Article 80 of the Revised Penal Code and Article 192 of PD 603. However[,], he must be sent to a reformatory institution. Let accused Francisco Relos, Jr. be transferred from his detention and be placed under the care and custody of the DSWD for his rehabilitation pursuant to law.

The court hereby sentences accused Oliver Relos and Francisco Relos, Sr. to each suffer the penalty of reclusion perpetua, to pay the heirs of the victim the amount of Fifty Thousand Pesos (P50,000.00) as civil indemnity, the amount of Forty Thousand Pesos (P40,000.00) as actual damages and pay the costs of [the] suit.

SO DECIDED.^[3]

On appeal, the Court of Appeals (CA) affirmed the RTC decision, with modification as to the award of damages. The CA gave credence to the testimonies of Ramon, Jr. and Rogelio, Jr., noting that their narration of events was corroborated by physical evidence, that is, the location and the nature of the wounds sustained by the victim as indicated in the autopsy report. Correlatively, the CA did not give weight to