

FIRST DIVISION

[G.R. No. 131734, March 07, 2002]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. PEPITO (PITING) SEBASTIAN Y SINDOL, ACCUSED-APPELLANT.

DECISION

YNARES-SANTIAGO, J.:

This is an appeal from the Decision^[1] of the Regional Trial Court of Cagayan, Branch 9, in Criminal Case No. 09-700, convicting accused-appellant of the crime of Murder and sentencing him to suffer the penalty of *reclusion perpetua* and to pay the heirs of the deceased the sum of P50,000.00 as death indemnity.

The facts as narrated by the prosecution witnesses are as follows: On the night of June 3, 1991, a certain Cesar Dumaoal hosted a pre-wedding celebration in his house in Buguey, Cagayan. The victim and the accused-appellant were among those invited to attend the celebration. At about 8:00 o'clock of the same evening, when the victim and his companions were about to enter the gate of the host's house, accused-appellant approached them and told the victim that he had been wanting to see him. Thereafter, accused-appellant entered the house of Cesar Dumaoal. The victim sensed danger, thus he was advised by his friends to go home. When the victim's group was about to go home, however, accused-appellant and his cohorts blocked their way. The victim's group decided to stay inside the house of Cesar Dumaoal, and they were told to stay in the mess hall. In the course of the celebration, the operator played a loud rock song. At that instant, accused-appellant rushed to the victim and shot him. The bullet tore through the abdomen of the victim, causing his death. Then, accused-appellant fled.^[2]

On the other hand, accused-appellant denied the accusation against him. He testified that he was on the dance floor with a lady companion when he heard that somebody was shot. When he ran towards the scene of the disturbance, he saw the wounded victim being carried by a certain Celso Upano. He thereafter entered and sought cover inside the house of Cesar Dumaoal.^[3]

On March 14, 1997, the trial court rendered the assailed decision, the dispositive portion thereof states:

WHEREFORE, for all the foregoing considerations, the Court hereby finds the accused guilty beyond any reasonable doubt of the crime charged and sentences him to *reclusion perpetua*. He is further directed to indemnify the heirs of the victim in the amount of P50,000.00.

No costs.^[4]