

EN BANC

[G.R. No. 130177, October 11, 2000]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
JOAQUIN BARRAMEDA AND ADOLFO BELGA, ACCUSED-
APPELLANTS.**

D E C I S I O N

BELLOSILLO, J.:

JOAQUIN BARRAMEDA and ADOLFO BELGA were charged with murder for having conspired and helped one another in stabbing and hacking to death one Ruperto Dizon with treachery and taking advantage of their superior strength.^[1]

On 20 May 1997 the court *a quo* found the accused Joaquin Barrameda and Adolfo Belga guilty as charged and sentenced both to death.^[2] They were also ordered jointly and severally to indemnify the heirs of Ruperto Dizon in the amount of P50,000.00 for his death and to pay them P6,000.00 for funeral expenses plus another P50,000.00 for moral damages.

Romeo Barsaga, who was at the barangay hall of Tanagan, Bacacay, Albay, at seven o'clock in the evening of 9 June 1996 attending the barangay fiesta, testified that at nine o'clock that evening he left for the house of Edelina Burce in the same barangay. On the way, he heard a woman screaming. He rushed to the direction of the screaming and saw from a distance of about five (5) meters the two (2) accused simultaneously hacking Ruperto Dizon. The victim was unarmed. Joaquin who was in front of Ruperto was the first to hack him with a bolo. Adolfo who was following Ruperto from behind also struck him with a bolo. The continuous hacking by the two (2) accused felled the victim to the ground. Barsaga was gripped with fear that he immediately left and headed for the house of his cousins in Barangay Napao, Bacacay, Albay, where he spent the night. The following morning, 10 June 1996, Barsaga went to the house of Milagros Dizon, wife of Ruperto Dizon, in Barangay Cabasan, Bacacay, Albay, and told her that her husband was killed by the accused Joaquin Barrameda and Adolfo Belga.^[3] Milagros then rushed to the Bacacay Police Headquarters where she saw the lifeless body of her husband.

The cadaver of Ruperto Dizon was autopsied by Dr. Merlie G. Beltran, Municipal Health Officer of Bacacay. Her autopsy report issued immediately after her examination on 10 June 1996 reflected her findings on the injuries sustained by Ruperto: (a) avulsion, scalp, 9 cm. x 2.5 cm., frontal area, involving superficial area of frontal bone; (b) hacked wound, parietal and occipital bones, 14 cm. long, gaping by 1.5 cm. with involvement of parietal and occipital lobes, brain; (c) abrasion with hematoma, shoulder, left, anterior area, 2.5 cm. x 1.5 cm.; (d) abrasion, chest, left, extending to the left arm, 14.5 cm. long; (e) stab wound, arm, right, 3 cm. long 2 cm. deep; (f) hacked wound, mandible, left, 7.5 cm. x 2 cm.; (g) stab wound, neck, left, 3 cm. long, 1 cm. deep; (h) Abrasion, neck, right 1 cm. long; (i) hacked wound,

back, right 5 cm. long mid-scapular area; (j) hacked wound, 8.5 cm. x 2.5 cm., back, right, with fracture of scapular, superior area; (k) incised wound, back, right, 3 cm. long, inferior scapular area; (l) scratch wound, back, left, 5cm. long; (m) incised wound, knee, left, 3 cm. long. Final diagnosis: hypovolemia due to multiple hacked wounds.[4]

In his defense, Joaquin Barrameda testified that at about seven o'clock in the evening of 9 June 1996, which was the eve of the barangay fiesta in Tanagan, his co-accused Adolfo Belga and wife Hermiliana, as well as Edmundo Besenio, Ruperto Dizon and Mando Bongadillo arrived in his (Joaquin) house. His wife was then nursing their baby at the sala. Ruperto Dizon ordered three (3) bottles of gin which he drank together with Besenio and Bongadillo. After the two (2) accused cooked supper in the kitchen, Belga's wife served the guests. Both accused and their families took supper at around seven-thirty in the evening.

After a while Mando Bongadillo asked permission to leave. Joaquin Barrameda and Ruperto Dizon resumed drinking while Adolfo Belga excused himself saying he was tired and wanted to rest. Ruperto then took out a P20-bill and asked Joaquin Barrameda to buy cigarettes. The latter acceded and left for the nearby store. When he was about twenty (20) meters away from his house he heard his wife and children shouting. When he looked back he saw Ruperto on top of his (Joaquin) wife. She was struggling to free herself from Ruperto who was forcibly kissing her. Joaquin then looked for a bolo and immediately struck Ruperto. Ruperto stood up and boxed Joaquin but the latter was able to duck. Joaquin then repeatedly hacked Ruperto. Ruperto fought back up to the kitchen. Joaquin kicked Ruperto who fell into the open toilet in the kitchen and afterwards, Joaquin looked for his family and found them in the house of one Loreta Barsaga. Joaquin further testified that he and his family did not return to his house that evening but slept instead in another house near Barsaga's residence.

Accused Adolfo Belga, for his part, swore that on 8 June 1996 he went to Pili, Camarines Sur, with his wife and child. They returned to Bacacay the following morning and proceeded to Telegrafo to take a motorboat to Tanagan. While waiting he drank with Ruperto Dizon, Mando Bongadillo and Edmundo Besenio and finished two (2) bottles of gin. At about five o'clock that afternoon Adolfo and his family together with Ruperto, Mando and Edmundo also boarded the motorboat to Tanagan arriving at their destination at seven o'clock in the evening. Although Ruperto told Adolfo that he (Ruperto) was going to Cabasan, Adolfo saw all three (3) - Ruperto, Mando and Edmundo - following him until they reached the house of Joaquin. Ruperto, Mando and Edmundo sat at the porch of Joaquin while Adolfo and his wife went to the kitchen and helped Joaquin cook supper.

Meanwhile, the three (3) visitors continued drinking and ate the food served by Joaquin and Adolfo. After supper, Adolfo asked permission to go to sleep and joined his family in the room. At about one o'clock the following morning, Adolfo was awakened by his wife who told him that she heard some noise outside as well as children crying. Although Adolfo himself heard nothing, just the same he and his wife woke their children up and they all proceeded to their house in Pigcobohan. According to Adolfo, when they left Joaquin's house, there was nobody there. On 20 June 1996, while he was on his way to Manila, Adolfo learned that Ruperto Dizon was killed and that he (Adolfo) was being arrested by the police.