

## FIRST DIVISION

[ G.R. No. 128819, November 20, 2000 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
EDDISON CASTURIA Y DIACOSTA ALIAS "EDDIE" AND JESSIE  
CASTURIA Y DIACOSTA, ACCUSED-APPELLANTS.**

### D E C I S I O N

**PARDO, J.:**

The case is an appeal from the decision<sup>[1]</sup> of the Regional Trial Court, Bukidnon, Branch 9, Malaybalay convicting the accused Eddison Casturia y Diacosta alias "Eddie" and Jesse Casturia y Diacosta of murder and sentencing each of them to *reclusion perpetua* and to indemnify the heirs of the victim Gomersindo Vallejos in the amount of P50,000.00, without subsidiary imprisonment in case of insolvency.

On June 15, 1994, Assistant Provincial Prosecutor Mario A. Dalapo of Bukidnon filed with the Regional Trial Court, Bukidnon, Malaybalay an information<sup>[2]</sup> charging the accused with murder, committed as follows:

"That on or about the 29<sup>th</sup> day of April 1994, in the afternoon, at Sitio Tambulan, Barangay Guinoroyan, Municipality of Valencia, Province of Bukidnon, Philippines and within the jurisdiction of this Honorable Court, the above-named accused conspiring, confederating and mutually helping one another, with intent to kill, by means of treachery and abuse of superior strength, and with the use of a sharp bladed weapon, did then and there wilfully, unlawfully and criminally attack, assault, kick, box and hack GOMERSINDO VALLEJOS, inflicting upon the latter mortal injuries which caused the instantaneous death of GOMERSINDO VALLEJOS; to the damage and prejudice of the legal heirs of GOMERSINDO VALLEJOS in such amount as they may be allowed by law.

"Contrary to and in violation of Article 248 of the Revised Penal Code as amended by R.A. 7659."

On July 20, 1994, at the arraignment, accused pleaded not guilty to the crime charged.<sup>[3]</sup> Trial thus ensued.

The facts are as follows:

At around 4:00 p.m. of April 29, 1994, accused Jessie Casturia, together with his co-workers Amado Nellas and the victim Gomersindo Vallejos, was at the barrio hall

of Tambulan, Guinuruyan, Valencia, Bukidnon loading sacks of coffee berries belonging to their employer Juanito Lapis. Suddenly, accused Jessie while holding a bolo, shouted "Who is brave?" Not for long, accused Eddison Casturia, Jessie's older brother, arrived and asked his younger brother who he was angry at. Jessie passed the bolo he was holding to Eddison, then approached Gomersindo and began boxing and kicking the latter. Eddison followed up on his younger brother's attack by hacking Gomersindo thrice on the head. Witness Amado Nellas tried to pacify the two accused but when accused Eddison turned his ire on him, Amado scampered for safety. After killing Gomersindo, both accused left. Witness Ricardo Bacalso, who was at the crime scene, rushed home and immediately reported the incident to their employer, Juanito Lapis.<sup>[4]</sup>

Accused Jessie had a different story to tell. He claimed that in the morning of April 29, 1994, he, the victim Gomersindo, Amado Nellas and one "Junjun" were cutting and gathering bamboo poles in Sitio Tambulan, Guinuruyan, Valencia, Bukidnon. They took their lunch at around 11:00 a. m. at the house of accused Eddison, and finished eating at around 12:00 p.m. The group decided to relax for a while by consuming six (6) bottles of "fighter" wine. Thereafter, they continued gathering bamboo poles until 3:00 p.m. and then loaded them on the jeep.

Upon reaching the basketball court at Sitio Tambulan, the jeep driven by accused Jessie stopped to load some sacks of coffee berries. Gomersindo then approached accused Jessie and told the latter that he (Gomersindo) would drive the jeep going to Guinuyuran. Accused Jessie turned down Gomersindo's request because of poor road conditions and the fact that Gomersindo had no driver's license. Slighted, Gomersindo boxed accused Jessie on the chin and nape, causing the latter to fall unconscious. When accused Jessie regained consciousness, he noticed Gomersindo bloodied. Struck with fear, accused Jessie rode on the jeep and proceeded to Guinuruyan. He denied seeing his brother, accused Eddison, at the crime scene.<sup>[5]</sup>

Accused Eddison invoked self-defense. He confirmed his brother Jessie's story that the latter's co-workers took their lunch at his house in the afternoon of April 29, 1994. He then left for Guinuruyan to have his corn milled. As he was passing by the basketball court at Sitio Tambulan at around 4:00 p.m. enroute to his house, accused Eddison saw Gomersindo mauling accused Jessie. He alighted from his motorcycle and asked Gomersindo why he was manhandling his younger brother. Gomersindo, who was unarmed, instead attacked him. Accused Eddison picked up a bolo on the ground to frighten Gomersindo, but the latter continued charging and boxing accused Eddison twice which the latter managed to evade. As Gomersindo continued attacking him, accused Eddison was left with no recourse but to deliver one hack blow, hitting Gomersindo on the left side of his head and his left hand. Gripped with fear, accused Eddison left the place.<sup>[6]</sup>

On September 6, 1996, the trial court rendered a decision convicting the accused, the decretal portion of which reads:

"WHEREFORE, in view of all the foregoing considerations, JUDGMENT is hereby rendered finding both accused Jessie Casturia and Eddison Casturia in this case GUILTY beyond reasonable doubt as principals of the crime of MURDER as