PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JESUS JULIANDA, JR. AND SAMSON GUERRERO, ACCUSED-APPELLANTS.

G.R. No. 128886. November 23, 2001

Ponente: BUENA, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/g-r-no-128886/

BUENA, J.:

Accused-appellants Jesus Julianda, Jr. and Samson Guerrero appeal the decision of the Regional Trial Court at Ligao, Albay, Branch 12 in Criminal Case Nos. 3217 and 3218 entitled "People of the Philippines versus Nolito Julianda, Jimmy Julianda, Jesus Julianda, Sr., Jesus Julianda, Jr., Samson Guerrero, Luis "Louie" Magana and Dante Talagtag" convicting them of murder and attempted murder, respectively, and sentencing both of them to reclusion perpetua and prision mayor, respectively.

On April 26, 1994, two informations were filed against the accused charging them of murder and attempted murder committed as follows:

> "CRIMINAL CASE NO. 3217
>
> "That at about 8:15 in the morning of January 15, 1994 at Barangay Along-ong, Municipality of Libon, Province of Albay, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with intent to kill, armed with bolos, stones and lead pipes, with evident premeditation, treachery and superior strength, conspiring, confederating with one another, did then and there, wilfully, unlawfully and feloniously hack, stab, stone and strike one TEOFILO CORALDE at (sic) the different parts of his body which caused the instantaneous death of said Teofilo Coralde, to the damage and prejudice of the latter's heirs.
>
> "ACTS CONTRARY TO LAW.
>
> "CRIMINAL CASE NO. 3218
>
> "That at about 8:15 in the morning of January 15, 1994 at Barangay Along-ong, Municipality of Libon, Province of Albay, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with intent to kill, armed with bolos, stones and lead pipes, with treachery, evident premeditation and superior strength, conspiring, confederating with one another, did then and there, wilfully, unlawfully and feloniously attack, assault, hack, stab, stone and strike with lead pipe one FERDINAND CORALDE in the different parts of his body, thus accused commenced the commission of the offense directly by overt acts but was not able to consummate the crime of Murder for reasons other than their spontaneous desistance, that is, the victim ran away, to the damage and prejudice of said Ferdinand Coralde.
>
> "ACTS CONTRARY TO LAW."

Of the seven (7) accused only Jesus Julianda, Jr. and Samson Guerrero were arrested while the rest of the accused remain at large.

Joint trial of the two (2) cases was conducted considering that they arose out of the same incident involving the same parties.

Upon arraignment, the accused, assisted by counsel, pleaded not guilty to the crime charged. The Regional Trial Court thereafter proceeded with the trial.

Both the prosecution and the defense presented seven (7) witnesses each. The prosecution witnesses were Gertrudes Casalo, Macaria Segui, and Ferdinand Coralde who were all eyewitnesses to the incident. Dr. Mario Cerillo was presented because he conducted the post-mortem examination on Teofilo Coralde. Dr. Larry Mateum treated the injuries sustained by Ferdinand Coralde. Divina Coralde, Teofilo's widow, and Martina Coralde, mother of the two victims, testified on the civil aspect and the expenses incurred for the wake and burial of Teofilo and the medical expenses of Ferdinand.

Gertrudes Casalo, the first witness for the prosecution, testified that on January 15, 1994 at around 8:15 a.m., she was at the junction of Along-ong, Libon, Albay. She saw Teofilo Coralde (Teofilo, for short) riding a carabao while his brother Ferdinand (Ferdinand, for brevity) was walking behind him.

She saw that their (the Coraldes') way was suddenly blocked by the brothers Jesus, Jr., Jimmy, and Nolito Julianda.[1] Jimmy and Nolito were armed with bolos while Jesus was holding a rock.[2]

Jimmy and Nolito tried to hack Teofilo so the latter alighted from the carabao and ran away. Both Teofilo and Ferdinand entered the store of a certain Arlene Cabrillas.

Approximately twenty people surrounded the store, four (4) of whom she recognized: the three Julianda brothers - Jesus, Jr., Jimmy, and Nolito - and Samson Guerrero.[3] She didn't know the others because they are from Buluang, Bato, Camarines Sur, which is around five (5) kilometers from Along-ong.

From a distance of ten (10) meters she saw Nolito pull the hand of Teofilo and drag him towards the road. Upon reaching the road, Nolito hacked the back of Teofilo. Despite this, Teofilo was able to run and cross the road before he fell down. Jimmy likewise hacked Teofilo while Jesus hit Teofilo with a stone.[4]

Gertrudes Casalo could not say which part of Teofilo's body was hit because a lot of people surrounded him. Somebody was hacking him, another was hitting him with stones, and Samson Guerrero was hitting him with a lead pipe.[5]

Ferdinand Coralde, upon seeing his brother fall, went out of the store. He was met by Samson Guerrero who smashed his nose with a stone. Then the group ganged up on him. He was already down, when the group left him.[6]

Ferdinand, upon regaining consciousness, got up and ran away, leaving his brother Teofilo behind.

Although afraid, Casalo along with her two companions, just stood and watched what happened to Teofilo and Ferdinand.

The second prosecution witness was Dr. Mario Cerillo, Rural Health Physician of the Rural Health Unit of Libon, Albay.[7] He conducted the autopsy on the cadaver of Teofilo Coralde. The victim sustained eleven (11) injuries on different parts of his body. The cause of death was severe blood loss secondary to multiple stab wounds with multiple organ injury.

Dr. Cerillo testified that the victim suffered two lacerated wounds on the forehead, caused by a blunt object although he could not say what kind; a stab wound on the right side below the right elbow, going down at the mid axillary line penetrating down to the third bone; a broken bone; an incised wound on the left axillary (below the armpit); an incised wound on the middle finger of the right hand; and a hacking wound found on the left axillary area (from the left shoulder going diagonally to the right) - all of which could have been caused by sharp instrument, a knife, a sharp object or a bolo with a sharp tip.

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

A stab wound on the lower part of the abdomen was also found, where the small intestine was partially out but not totally cut. Again a sharp-tipped instrument caused it.

The multiple abrasions found on the right leg and both knees of the victim were attributed to a hard and rough object as when a person is dragged by another person, or when the victim falls on a rough instrument or object.

Except for the abrasions Dr. Cerillo could not say whether the rest of the wounds were caused by one instrument. However, he admitted that it was possible.

It was possible that the assailant was beside or at the back of the victim when the injury on victim's back was inflicted. It was also probable that different sharp instruments inflicted the wounds.

Two (2) fatal wounds could have caused the demise of the victim: one was the stab wound 4 centimeters, 6[th] intercostal space, right mid axillary line penetrating with broken (cut) 5[th] bone rib, and the other was the wound in the abdomen where the intestine was partly cut. The hacking wound could be considered as fatal because of its length. Dr. Cerillo could not say if one or more persons inflicted the wounds.

Macaria Segui, the third prosecution witness, and an aunt of the Coralde brothers, corroborated the testimony of Gertrudes Casalo.

She testified that in the morning of January 15, 1994 at around 8:15 a.m., she was at the junction of Along-ong. She saw Nolito Julianda, Jimmy Julianda, Jesus Julianda, Sr., Jesus Talagtag, Rodrigo Talagtag, Ramon Talagtag, Samson Gregorio, Aniano Lascano, Nelson Lascano, Wilson Lascano, Toden Magana, Luis Magana, Dante Talagtag, and Diomedes Gavina. They were in a group and were armed. She knew them as they always converged at the junction on market days and because she was a resident of Along-ong and Buga.[8]

She saw Nolito holding a bolo and heard him repeatedly saying, "Where are these two brothers, Teofilo Coralde and Ferdinand Coralde because we are going to kill them." She passed by them and went to the copra dealer.[9]

As she was going home she saw Teofilo and Ferdinand being chased by the above-mentioned people who were accompanied by others whom she didn't recognize. Nolito was leading the group. Teofilo and Ferdinand were, at the same time, being stoned as they entered the store of Arlene Cabrillas, while she (Segui) entered the warehouse of the copra dealer. The store of Arlene Cabrillas and the copra buyer's warehouse were adjacent to each other. Through the warehouse's window she saw what transpired.[10]

Nolito pulled Teofilo by the hand from out of the store with Jimmy Julianda, Jesus Julianda, Jr., and Jesus Talagtag pushing Teofilo towards Nolito. The other members of the group surrounded the five.[11]

Nolito went behind Teofilo and hacked the latter with his "guinonting" bolo. Teofilo was hit at the back below the left shoulder blade. He slumped but was still able to stand up. It was then that Aniano Lascano hit his right thigh with a lead pipe. Notwithstanding his injuries Teofilo was able to run away. However, he fell down. The group went after him. Again it was Nolito who was running ahead of the group.[12]

While Teofilo was lying on his back, Diomedes Gavina stabbed him on the stomach while Nelson Lascano stabbed him below the armpit. Jimmy Julianda likewise stabbed him on the right and left sides of the body. Samson Guerrero struck him on the head with a lead pipe.[13] Then Toden Magana shot him twice with an Indian arrow[14] on the forehead. Meanwhile, Luis Magana, Dante Talagtag, Jesus Julianda, Sr., Jesus Talagtag, Rodrigo Talagtag, and Ramon Talagtag kept striking Teofilo with stones.[15]

Macaria Segui saw that Teofilo was hit several times.

After Teofilo was hit on the forehead by the Indian arrow they pulled him away.

Upon seeing that Teofilo had fallen down, Ferdinand went out of the store. Ferdinand tried to help his brother but Samson Guerrero, Dante Talagtag and Luis Magana met him. Samson Guerrero struck him. Guerrero hacked Ferdinand on the left leg with a bolo.[16] Luis Magana and Dante Talagtag helped in striking Ferdinand. Luis Magana hacked Ferdinand on the back of his right arm with a bolo while Dante Talagtag hacked Ferdinand on the right forehead.[17]

When Ferdinand fell down they left him and ran towards Teofilo. After regaining consciousness, Ferdinand ran away.

When the military arrived Macaria Segui came out of the warehouse and went home.

Segui was standing more or less eight (8) meters away from the scene of the crime. Gertrudes Casalo, the first prosecution witness, was five (5) meters away from where she (Segui) was.

She estimated that the incident transpired for around fifteen (15) minutes. She testified that Jesus Julianda, Sr., Jimmy Julianda, and Diomedes Gavina hit Teofilo Coralde with stones. Teofilo was hit on the right temple when he was already wounded. Before that he was hit on the stomach and on the right side of the arm. Diomedes Gavina hit Teofilo at the back when he was already wounded.[18]

She saw Teofilo being hacked by Nolito Julianda when he was already wounded. When he was able to run away he was stabbed, not hacked, three times by Wilson Lascana, Diomedes Gavina and Jimmy Julianda.[19]

She identified the two accused (Jesus Julianda, Jr. and Samson Guerrero) in the courtroom and claimed that she could recognize the others if she would see them again.

The next witness for the prosecution was Ferdinand Coralde. He positively identified accused Samson Guerrero and Jesus Julianda, Jr., as among those who assaulted him and his brother Teofilo.[20] He corroborated the testimonies of Gertrudes Casalo and Macaria Segui. He claimed that it was Guerrero, Dante Talagtag, Luis Magana and Toden Magana who assaulted him.[21]

He testified that in the morning of January 15, 1994 at around 7:30 a.m., he and his brother were going to Bulwang, Bato, Camarines Sur. His brother was riding a carabao whereas he was walking behind.[22]

Upon reaching the junction of Along-ong they were waylaid by the group of Nolito Julianda and Aniano Lascano who suddenly appeared in front of them. There were more than twenty (20) people in that group and they were armed. He could only identify fourteen (14) of the people in the group, to wit: Nolito Julianda, Jesus Julianda, Sr., Jesus Julianda, Jr., Jimmy Julianda, Jesus Talagtag, Ramon Talagtag, Rodrigo Talagtag, Aniano Lascano, Wilson Lascano, Diomedes Gavina, Samson Guerrero, Toden Magana, Dante Talagtag, and Luis Magana. The men were armed with bolos, stones, and lead pipes. He knew these men as he used to pass by their place.[23]

Aniano Lascano was armed with a lead pipe. Jesus Julianda, Sr. was armed with a stone. Samson Guerrero had a stone, a lead pipe and a sheathed bolo. Nolito Julianda was armed with a bolo.[24]

Ferdinand and his brother Teofilo then ran away. They were able to enter the house cum store of Arlene Cabrillas. This group of armed men surrounded the house. He and Teofilo stood behind each door. He saw Teofilo being pulled outside by Nolito Julianda. Jimmy Julianda, Jesus Talagtag, and Jesus Julianda, Jr. were helping Nolito.[25]

When Teofilo and Nolito were already outside the latter hacked Teofilo at the back. Then the other men in the group ganged up on him. He saw Aniano Lascano hit Teofilo with a pipe on the left leg.[26]

Upon seeing this, Ferdinand went out of the store to help Teofilo.[27] He was not able to because Samson

Guerrero struck his mouth with a stone. When he fell and was lying on the ground, Samson Guerrero hacked him by the right eyebrow. Luis Magana hacked him on the right leg.[28] Dante Talagtag struck him with a stone hitting him on his left knee;[29] Toden Magana hacked him below his right wrist;[30] and Samson Guerrero hacked him on his right toes.[31]

To stop these men from harming him any further, he pretended to be dead. His attackers then left him. When he noticed that he was alone he stood up and ran towards Barangay Bariw where he reported the incident to a Barangay Tanod. He was brought to Libon and the policemen there took him to the Miranda Hospital. There was no doctor at that time who could suture his injuries so he was brought to the Ligao Emergency Hospital (Pio Duran District Hospital). While in Libon he learned that his brother was already dead.

Ferdinand was more or less five (5) meters away from where his brother was. He did not see what happened to Teofilo anymore when he was attacked.[32]

He believed that the reason for the attack was because his father won a land dispute case against the Juliandas and the Talagtags.[33]

Quantifying the pain he felt, he asked for the amount of One Hundred Thousand Pesos (P100,000.00). His parents spent for the treatment of the injuries he sustained. He was unable to work as a farmer for more than a year because of his injuries.[34]

Dr. Larry Mateum,[35] another prosecution witness, testified that he treated Ferdinand Coralde at the Pio Duran Memorial District Hospital. He sustained seven (7) injuries. Ferdinand was hit above the right eyebrow, on the right thigh, on the right forearm, on the upper lip, two on the right upper arm, and on the left waist.

The incised wounds Ferdinand sustained could have been caused by a bolo. A stone could have caused the contusions. The abrasion could have been caused by a fall on the ground.

Without medical attention, there could have been infections, complications, but these would not have caused the death of the victim. The most serious wound which the victim sustained was the wound above the right eyebrow.

Divina Coralde, the widow of Teofilo, testified that their union had borne six children, the eldest of whom was 19 years old and the youngest was 6 years old in 1995. She testified that he was employed in the Department of Public Works and Highways (Project Management Office) with a monthly pay of around P5,000.00. He also did some farming and copra-making. From copra-making he was also earning P5,000.00.[36]

To support herself and her children she runs a small store near the school. The income from her store is never enough to support her family.[37] For the wake and burial expenses, including the tomb, she spent a total of Ninety-two Thousand Eight Hundred Pesos (P92,800.00). The following receipts supported this: Twelve Thousand Pesos (P12,000.00) from the Borbes Funeral Homes,[38] and church expenses - Five Hundred Pesos (P500.00)[39] and Eight Hundred Pesos (P800.00).[40]

Martina Coralde, the mother of Teofilo and Ferdinand Coralde, testified that she shouldered Ferdinand's medical expenses in the amount of Three Thousand Pesos (P3,000.00). She contributed the amount of Forty Thousand Pesos (P40,000.00) for the wake of Teofilo.[41]

Witnesses for the defense included Barangay Captain Brian Oliver, Nenita Gavina, Susan Sambajon, Rodel Manrique Abalain, Ernesto Coralde, and the two accused Jesus Julianda, Jr. and Samson Guerrero. The two accused denied any participation in the murder and attempted murder charges against them. Jesus Julianda, Jr. claimed that he was in his house the whole day of January 15, 1994, while Samson Guerrero claimed that he was just pacifying the quarrel between Ferdinand Coralde and Jimmy Julianda.

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

The defense presented Barangay Captain Brian Oliver of Along-ong, Libon, Albay as its first witness. In the early morning of January 15, 1994 he met Teofilo Coralde while he was on his way to Centro Along-ong. When he arrived at his destination he saw Jesus Julianda, Jr., Jesus Julianda, Sr., and several other persons. They were standing, whiling away their time near the volleyball court.[42]

He proceeded to the session hall with some of the Barangay Kagawad. While the session was ongoing Martina Coralde arrived. She informed them that her son Teofilo was killed and then left.

Barangay Captain Oliver then adjourned the session. He went to have a look at the victim. He saw the two Juliandas in the same place where he earlier saw them and informed them that they were the suspects in the attack on the Coraldes. The Juliandas replied that they did not leave that place.[43]

The volleyball court where the Juliandas were hanging around was about two-and-a-half kilometers from the scene of the incident. If one used a jeep or a car from the volleyball court to the scene of the crime travel time would be between 5 to 10 minutes.

Barangay Captain Oliver started the session at 9:00 a.m. and adjourned at 9:30 a.m. He saw the accused around 8:45 a.m.[44]

Rodel Manrique Abalain, a tricycle driver, belied the testimony of prosecution witness Macaria Segui that she was an eyewitness to the incident. He testified that on the day in question he arrived in Buga where he learned that Teofilo was hacked by Nolito. Macaria Segui, who was crying, flagged him down and told him to bring her to Along-ong. That was around 9:30 a.m. He learned that the reason why Segui was crying was because Teofilo was her nephew.[45]

Upon reaching the crossing of Along-ong, Segui, who was still crying, alighted. Abalain took a look at the deceased and then left as he had another passenger.

Nenita Gavina, the third witness for the defense, was presented because she saw what happened at the beginning of the incident. The mother of Jesus, Jr., Jimmy and Nolito Julianda is her sister.

At 8:30 a.m. of January 15, 1994, she saw Nolito Julianda being chased by Teofilo and Ferdinand Coralde. They were more or less forty meters away from her. Both Nolito and Teofilo were carrying bolos while Ferdinand had his hand in his pocket.[46]

They were headed in her direction. When they were already upon her she ran towards her house to fetch her husband so as to put a stop to the quarrel because they were her relatives. Her husband was not home but Samson Guerrero and Ernesto Coralde were. Samson was fixing the steel window commissioned by Ernesto while the latter watched.[47]

She enlisted the help of Samson, who refused at first, but eventually agreed to stop the fight. She did not know what happened to Ernesto as he did not go out of the house nor try to follow Samson. She did not think of asking for Ernesto's help in pacifying the trouble. She did not go out after that.

Three hours after Samson left, Nolito and Jimmy Julianda arrived at her house looking for Samson as Samson had struck Jimmy. Jimmy was angry because Samson hit his back. Not finding Samson at Nenita Gavina's residence, they left.[48]

She only saw Nolito and Jimmy Julianda at the scene of the crime but not the other accused except for Aniano Lascano who was in his house. Aniano Lascano's house was more or less sixty (60) meters away from the scene of the incident.[49]

Susan Sambajon testified that on January 15, 1994 at around 7:00 a.m., she passed by the house of the Juliandas in going to Bulwang. She saw Jesus Julianda, Jr. chopping firewood while his father, Jesus Julianda, Sr., was near him.[50]

Teofilo and Ferdinand Coralde were ahead of her. Teofilo and Ferdinand met Nolito Julianda who was riding a bicycle. Teofilo told Nolito that he is going to hack the latter. Nolito went back to Bulwang. The Coraldes went on their way to Bulwang.[51]

Nolito and Teofilo were about ten meters away from her. When she heard Nolito being threatened she became afraid and went to the house of a certain Temoteo to rest. She rested for 30 minutes. Afterwards she went to Bulwang. When she arrived thereat she learned that Nolito Julianda killed Teofilo Coralde.[52]

Ernesto Coralde corroborated the testimony of Nenita Gavina that accused Samson Guerrero tried to pacify the quarreling Coraldes and Juliandas. He testified that in the morning of January 15, 1994, he went to the residence of Pedro Gavina in Bulwang, Bato, Camarines Sur. He found Samson Guerrero therein. He saw Nenita Gavina rushing towards the house. She told Samson to pacify her companions, namely, Nolito Julianda, Jimmy Julianda, Teofilo Coralde and the brother of Teofilo, as they were having trouble. Samson did not pay her any notice at first but eventually obeyed her and went out bringing with him a pipe.[53]

Ernesto stayed in the welding shop for more or less an hour. Then he saw Nolito and Jimmy Julianda going to the shop. When they reached the shop Jimmy asked for Samson because the latter had hit him. Jimmy had a piece of wood with him. Samson had not returned so the two Juliandas did not see him.[54]

The accused Jesus Julianda, Jr. was the next to testify. In the morning of January 15, 1994 he was at home. He did not leave the house the whole day even upon learning of the death of Teofilo from Barangay Captain Oliver. His house is far from where the incident took place. It took him a half-hour to reach the scene of the crime from his house. He did not know of any cases instituted between his family and that of the Coraldes. He was not even aware of a land dispute between his family and the Coraldes.[55]

Samson Guerrero denied the charges against him. He testified that on January 15, 1994, he went to the shop of Pedro Gavina where he works as a welder. When he arrived he found Pedro Gavina and Ernesto Coralde. Pedro Gavina's wife was not there. After some time Pedro Gavina left. Ernesto Coralde was left behind.[56]

Around 8:30 a.m., the wife of Pedro Gavina came back. She was very much afraid and in a hurry. She was looking for her husband. Not finding him she told Samson to pacify Ferdinand Coralde and Jimmy Julianda because they were going to kill each other. Thrice he refused but followed her eventually bringing with him a pipe.[57]

He went to the place where Jimmy and Ferdinand were. He saw Ferdinand running after Jimmy. He hid behind a bundle of firewood as Ferdinand had a gun with him. When Ferdinand came near him he struck the latter's hand with a pipe. The gun got thrown away. Jimmy upon realizing that Ferdinand no longer had a gun struck the latter with a piece of wood.[58]

To prevent Jimmy from killing Ferdinand, Samson struck Jimmy's back with the pipe. Jimmy fell down. Samson picked up Ferdinand's gun and went home. He learned that Jimmy and Nolito were looking for him because they were angry with him. He hid the gun at home and went to Balatan, Camarines Sur to hide. After three days he returned home. He went to the Police Station Commander of Libon to surrender the gun.[59]

He did not see Teofilo Coralde or Nolito Julianda in the place where Ferdinand was chasing Jimmy. He saw that Jimmy was armed with a bolo and a piece of wood when he was being chased.[60]

Macaria Segui was again called on the witness stand to refute the testimony of Rodel Manrique Abalain that she was not at the scene of the incident.

She testified that she did not know the said tricycle driver. Twice she went to Along-ong, to the place of the incident, in the morning and afternoon. When she went to Along-ong in the morning she rode with a cousin. After the incident she went back home. She took a tricycle but she did not know who the driver was. In the afternoon she again went to Along-ong by means of a tricycle. The driver this time was a Bonifacio Segui, her brother-in-law. When she returned home she again took a tricycle but she did not notice who the driver was.[61]

On rebuttal Ferdinand Coralde testified that he was not running after Jimmy Julianda. He denied that there was a bundle of firewood in that place; that there was a gun; that Samson struck his back with a piece of pipe; that the gun he was holding was thrown away; that Jimmy hit him with a piece of wood; that Jimmy was not holding a piece of wood but a bolo.[62]

He said that Jimmy did not approach him because the latter was hacking Teofilo. He reiterated that Samson struck him with a stone and added that he lost consciousness after he was struck with the stone.[63]

On sur-rebuttal, Samson Guerrero said that he had a lead pipe, not a stone, and that Ferdinand Coralde had a gun.[64]

On November 15, 1996, a decision was rendered convicting the accused the dispositive portion of which reads as follows:

> "WHEREFORE, premises considered, the prosecution having proven the Guilt of the accused, JESUS JULIANDA, JR. and SAMSON GUERRERO, this Court finds them GUILTY as charged for the crime of Murder and Attempted Murder. Accordingly, they are hereby sentenced both to suffer the penalty of Reclusion Perpetua for the offense of Murder and Nine (9) Years, Four (4) Months and One (1) Day of Prision Mayor as minimum to Twelve (12) Years of Prision Mayor as maximum, and to suffer the accessory penalties provided for by law, after applying the Indeterminate Sentence Law, for the crime of Attempted Murder. They are further ordered to indemnify jointly and solidarily, the Heirs of Teofilo Coralde in the amount of Eighteen Thousand Pesos (P18,000.00) as actual damages and One Hundred Fifty Thousand Pesos (P150,000.00) as moral and exemplary damages. Likewise, Three Thousand Pesos (P3,000.00) for Ferdinand Coralde as actual damages and Fifty Thousand Pesos (P50,000.00) as moral and exemplary damages and to pay the costs.
>
> "SO ORDERED."

Hence, this appeal where accused-appellants assign the following errors allegedly committed by the trial court:

> "I
>
> THE COURT A QUO ERRED IN CONVICTING JESUS JULIANDA, JR. AND SAMSON GUERRERO NOTWITHSTANDING THE FAILURE OF THE PROSECUTION TO PROVE THEIR GUILT BEYOND REASONABLE DOUBT.
>
> "II
>
> THE COURT ERRED IN GIVING CREDENCE TO THE IMPROBABLE TESTIMONIES OF THE PROSECUTION'S WITNESSES.
>
> "III
>
> THE COURT A QUO ERRED IN CONCLUDING THAT THERE WAS CONSPIRACY IN THE CASE AT BAR.

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

"IV

THE COURT A QUO ERRED IN APPLYING THE QUALIFYING CIRCUMSTANCES OF TREACHERY, ABUSE OF SUPERIOR STRENGTH AND EVIDENT PREMEDITATION.

"V

THE COURT A QUO ERRED IN AWARDING DAMAGES NOTWITHSTANDING THE FACT THAT NO PROOF OF SUCH HAD BEEN PRESENTED."

We find accused-appellants guilty of the crime charged. The first four issues being intertwined will be discussed jointly.

The prosecution and the defense presented two different versions of what happened on January 15, 1994. It is the prosecution's account that the accused participated actively in the killing of Teofilo Coralde and the wounding of Ferdinand Coralde. On the other hand, the defense maintains that the accused had nothing to do with the attack on the Coralde brothers.

Confronted with the dilemma of which version to believe we rely on the evaluation made by the trial court regarding the credibility of the witnesses as it is in a better position to do so having seen for itself whether the witnesses were being truthful or not.

In a plethora of cases, the Court has held that it is doctrinal that the trial court's evaluation of the credibility of a testimony is accorded the highest respect, for the trial court has an untrammeled opportunity to observe directly the demeanor of a witness and, thus, to determine whether he or she is telling the truth.[65]

As the trial court did, we find that the prosecution witnesses were more credible than those of the defense. They gave a fairly complete account of what actually transpired on the day in question as they saw what happened from the inception of the attack until its cessation. They were consistent in their testimonies.

Not so with the defense. Accused Jesus Julianda, Jr. was adamant in saying that he never left the house the whole day; not even when Barangay Captain Brian Oliver informed him at his house that he and his father were suspected of killing Teofilo Coralde.

This was however belied by another defense witness: Barangay Captain Oliver himself. He testified that the accused was whiling away the time with his father, Jesus Julianda, Sr. near the volleyball court before the start of the session and that after its adjournment they were in the same place where he saw them earlier.

Between the testimony of an accused who conveniently claims not leaving his house on the day in question and a witness who said that he saw the accused outside his house, we, like the trial court, are more inclined to believe the latter.

To strengthen its position, the defense pointed out that Barangay Captain Oliver had nothing to gain and everything to lose by lying. We do not believe lock, stock and barrel the testimony of Barangay Captain Oliver. He insinuates that it was impossible for Jesus Julianda, Jr. to have participated in the attack against the Coraldes as he had seen the latter before the session started and after it had been adjourned. However, it was not shown that the session hall overlooked the volleyball court and, even if that was the case, that Oliver had his eye on Jesus Julianda, Jr. the whole time the session was going on that he was absolutely certain that the latter never wandered away even for a single minute. He only had the word of the Juliandas that they never left the place.

Barangay Captain Oliver said that he first saw the accused around 8:45 a.m. Prosecution witness Macaria Segui testified that the attack lasted for about 15 minutes only. Assuming that the onslaught started at 8:15 a.m., and

ended 15 minutes later, then it would have been over by 8:30 a.m. The place where the attack happened is two and a half kilometers away from where the accused was hanging around, or a 5 to 10 minute ride away. When he was seen by the barangay captain around 8:45 a.m. the attack on the Coraldes would have already been over and done with.

Anent the credibility of Samson Guerrero we likewise do not find his testimony worthy of belief.

He testified that he was prevailed upon to pacify Teofilo Coralde and Jimmy Julianda as the former was chasing the latter with a bolo. Jimmy Julianda was likewise armed with a bolo. Meanwhile Samson Guerrero was armed only with a lead pipe.

We find it highly unlikely that a person armed only with a lead pipe would pacify two people who were armed with bolos. The more prudent thing to do would be to call people in authority to stop the fight as there was a huge possibility that the person pacifying would get caught in the fight and be injured.

Against the credible testimony of the eyewitnesses, the accused-appellants' denial must fail. Positive identification, where categorical and consistent and without any showing of ill motive on the part of the eyewitnesses testifying on the matter, prevails over alibi and denial which, if not substantiated by clear and convincing evidence, are negative and self-serving evidence undeserving of weight in law.[66]

Accused-appellants allege that since conspiracy was not proven the accused should be held liable only for physical injuries. It was likewise alleged that the prosecution failed to prove that it was either Jesus Julianda, Jr. or Samson Guerrero who inflicted the fatal blow which caused the death of Teofilo Coralde and that, assuming they hit Ferdinand Coralde, they had the intention of killing him.

We disagree.

Conspiracy may be deduced from the acts of the appellants before, during, and after the commission of the crime which are indicative of a joint purpose, concerted action, and concurrence of sentiments. The united action of the accused clearly shows that they had but one purpose, i.e., to murder the Coraldes. The Coralde brothers ran inside a store to escape their attackers but the accused surrounded the same. Teofilo was forcibly dragged from the store and when he was able to pry himself loose he was again chased and when caught, his assailants all took turns in inflicting bodily injury upon him thus leading to his demise. Ferdinand, upon seeing his brother outnumbered, went out of the store to aid him but he was struck by his assailants. Had not Ferdinand feigned to be dead there is no doubt that he would have suffered the same fate as his brother.

The failure of the prosecution to specify with particularity the person who actually caused the death of Teofilo and inflicted the fatal blow upon Ferdinand is of no moment. For once conspiracy or action in concert to achieve a criminal design is shown, the act of one is the act of all the conspirators, and the precise extent or modality of participation of each of them becomes secondary.[67]

We also find the crime to be rightly qualified to murder by treachery. In order for treachery to exist, two conditions must concur namely: (1) the employment of means, methods or manner of execution which would ensure the offender's safety from any defense or retaliatory act on the part of the offended party; and (2) such means, method or manner of execution was deliberately or consciously chosen by the offender.[68]

Treachery is evident from the fact that the accused-appellants as well as the other accused were armed with bolos, stones, and lead pipes while both Teofilo and Ferdinand were unarmed. The suddenness of the attack left the victims defenseless and unable to retaliate against their assailants.

The court a quo correctly found that the qualifying circumstance of abuse of superior strength attended the crimes

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

of murder and attempted murder. However, since abuse of superior strength is absorbed in treachery, the same need not be discussed anymore.

> "The aggravating circumstance of abuse of superior strength is absorbed in treachery."[69]

Since no evidence was adduced showing when the accused hatched the murderous plan and the interval of time therefrom to its commission we find that this case is not attended by the aggravating circumstance of evident premeditation.

> "Settled is the rule that when it is not shown as to how and when the plan to kill was hatched or what time had elapsed before it was carried out, evident premeditation cannot be considered."[70]

Contrary to appellants' contention, Articles 251 (death caused in a tumultuous affray) and 252 (physical injuries caused in a tumultuous affray) of the Revised Penal Code do not apply. In death caused in a tumultuous affray, the elements are as follows: (1) that there be several persons; (2) that they did not compose groups organized for the common purpose of assaulting and attacking each other reciprocally; (3) that these several persons quarreled and assaulted one another in a confused and tumultuous manner; (4) that someone was killed in the course of the affray; (5) that it cannot be ascertained who actually killed the deceased; and (6) that the person or persons who inflicted serious physical injuries or who used violence can be identified.[71]

The elements of Article 252 are as follows: (1) that there is a tumultuous affray as referred to in Article 251; (2) that a participant or some participants thereof suffer serious physical injuries or physical injuries of a less serious nature only; (3) that the person responsible therefore cannot be identified; (4) that all those who appear to have used violence upon the person of the offended party are known.[72]

The circumstances surrounding the killing do not fall squarely with the above-mentioned elements under Articles 251 and 252. Thus accused-appellants' reliance on the said articles is misplaced.

With regards to the amount of actual damages, we find that the court a quo should have awarded only Thirteen Thousand Three Hundred Pesos (P13,300.00), the amount proved, to the heirs of Teofilo Coralde and not Eighteen Thousand Pesos (P18,000.00). No proof however was adduced by the prosecution with respect to the actual damages incurred by Ferdinand.

The trial court correctly awarded moral damages to the victims, pursuant to Articles 2217 and 2219 and exemplary damages, pursuant to Article 2230 of the Civil Code.

However, it erred in not granting life indemnity in the amount of Fifty Thousand Pesos (P50,000.00) to the heirs of Teofilo Coralde which is automatically imposed upon the accused without need of proof other than the fact of the commission of the offense.

WHEREFORE, IN VIEW OF THE FOREGOING, the challenged Joint Decision of the court a quo convicting the accused JESUS JULIANDA, JR. and SAMSON GUERRERO as charged and sentencing them to suffer the penalty of reclusion perpetua for murder and nine (9) years, four (4) months and one (1) day of prision mayor, as minimum, to (12) years of prision mayor, as maximum, for attempted murder and ordering them to pay, jointly and solidarily, the Heirs of Teofisto Coralde One Hundred Fifty Thousand Pesos (P150,000.00) as moral and exemplary damages; to Ferdinand Coralde, Fifty Thousand Pesos (P50,000.00) also as moral and exemplary damages, and to pay the costs, is hereby AFFIRMED. However, the other monetary awards are MODIFIED as follows: the amount of actual damages awarded to the heirs of Teofilo Coralde is reduced from Eighteen Thousand Pesos to Thirteen Thousand Three Hundred Pesos (P13,300.00); the amount of Three Thousand Pesos (P3,000.00) awarded as actual damages to Ferdinand Coralde is deleted there being no factual basis; and the sum of Fifty Thousand Pesos (P50,000.00) as life indemnity is awarded to the heirs of Teofilo Coralde.

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

SO ORDERED.

Bellosillo, (Chairman), Mendoza, Quisumbing, and De Leon, Jr., JJ., concur.

---

[1] T.S.N. dated September 1, 1994, p. 8.

[2] T.S.N. dated October 27, 1994, p. 8.

[3] T.S.N. dated September 1, 1994, p. 10.

[4] Ibid., pp. 11-12.

[5] Ibid., p. 13.

[6] Ibid., pp. 14-16

[7] T.S.N. dated November 18, 1994, pp. 5, 10-14, 16, 18-21.

[8] T.S.N. dated November 25, 1994, pp. 5-7.

[9] Ibid., p. 8.

[10] Ibid., pp. 8-9, 19 and 27.

[11] Ibid., pp. 9, 21-22.

[12] Ibid., pp. 10, 24-25 and 30.

[13] Ibid., p. 11.

[14] An Indian arrow has a pointed end and is used through a slingshot, according to the witness Macaria Segui.

[15] Ibid., pp. 11-12.

[16] Ibid., pp. 12-13.

[17] Ibid., p. 12.

[18] Ibid., pp. 19, 37-38.

[19] Ibid., p. 38.

[20] T.S.N. dated February 24, 1995, p. 4.

[21] T.S.N. dated August 7, 1996, p. 13.

[22] T.S.N. dated February 24, 1995, pp. 5-6.

[23] Ibid., pp. 7 and 25.

[24] Ibid., pp. 25-26.

[25] Ibid., pp. 7-8 and 21.

[26] Ibid., pp. 9 and 35.

[27] Ibid., p. 10.

[28] Ibid., p. 10; T.S.N. dated August 7, 1996, pp. 11 and 14.

[29] Ibid., pp. 11 and 29; Ibid., p. 14.

[30] Ibid., p. 11; Ibid., p. 14.

[31] Ibid., p. 11.

[32] Ibid., pp. 11-12.

[33] Ibid., p. 14.

[34] Ibid., p. 15.

[35] T.S.N. dated May 19, 1995, p. 6-11.

[36] T.S.N. dated July 14, 1995, pp. 8-9.

[37] Ibid., p. 10.

[38] Exhibit "C."

[39] Exhibit "D."

[40] Exhibit "E."

[41] T.S.N. dated September 13, 1995, pp. 7 and 11.

[42] T.S.N. dated October 20, 1995, pp. 10-12.

[43] Ibid., pp. 12-14.

[44] Ibid., pp. 28 and 32

[45] T.S.N. dated November 10, 1995, pp. 6-7.

[46] T.S.N. dated December 1, 1995, pp. 4-6.

[47] Ibid., pp. 6-7.

[48] Ibid., pp. 10-12.

[49] Ibid., pp. 14-16.

[50] T.S.N. dated January 25, 1996, p. 6.

[51] Ibid., pp. 7-8.

[52] Ibid., pp. 8-9.

[53] Ibid., pp. 17-21.

[54] Ibid., pp. 21-22.

[55] T.S.N. dated February 14, 1996, pp. 4-9.

[56] T.S.N. dated March 8, 1996, pp. 5-6.

[57] Ibid., pp. 6-8.

[58] Ibid., pp. 8-9.

[59] Ibid., pp. 10-12.

[60] Ibid., pp. 17-18.

[61] T.S.N. dated July 5, 1996, pp. 7, 9-11.

[62] T.S.N. dated August 7, 1996, p. 5-8.

[63] Ibid., pp. 8-10.

[64] Ibid., pp. 22-23.

[65] People vs. Obello, 284 SCRA 79 [1998].

[66] People vs. Monieva, 333 SCRA 244 [2000].

[67] People vs. Mendoza, 332 SCRA 485 [2000].

[68] People vs. Flora, 334 SCRA 262 [2000].

[69] People vs. Valdez, 304 SCRA 611 [1999].

[70] People vs. Basao, 310 SCRA 743 [1999].

[71] Luis B. Reyes, The Revised Penal Code, Book Two, Fourteenth Edition, p. 488.

[72] Ibid., p. 489.

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at https://batas.org

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.