

101 Phil. 615

[G. R. No. L-8298. May 29, 1957]

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. FRANCISCO GARCIA, DEFENDANT AND APPELLANT.

D E C I S I O N

ENDENCIA, J.:

Found guilty of the crime of robbery with homicide and sentenced by the Court of First Instance of Nueva Ecija to suffer the penalty of reclusion perpetua with the accessories of the law, to indemnify the heirs of the deceased in the amount of P5,000 and to pay the sum of P89, the value of the palay stolen, and the costs, Francisco Garcia appealed from the decision contending that the lower court erred: (1) in holding that the defendant failed to nullify by evidence of duress, force and intimidation the confession Exhibit "D"; (2) in admitting in evidence said confession Exhibit "D"; (3) in finding the accused guilty, beyond reasonable doubt, of the crime of robbery with homicide as defined and punished under Article 294, paragraph 1, of the Revised Penal Code; and (4) in not absolving the accused on the ground of reasonable doubt.

The evidence on record conclusively shows that on January 20, 1954, Mamerto Valino and his daughter Pascuala Valino went to barrio Sapang-Buhay to thresh their palay and after threshing it, at about four o'clock in the afternoon, Mamerto Valino placed 13 cavanes of the threshed palay in a bull cart and left the place bound for his home in Pagas. On his way home, upon reaching the Diversion Road, within the city of Cabanatuan, province of Nueva Ecija, he was held up and attacked by a person who left him in an unconscious state and ran away with the bull cart and the IB sacks of palay. Early in the morning of January 21, at about six o'clock, Sgt. Hernando of the P. C. headquarters in Nueva Ecija, received a report that on said road a person was lying dead in a pool of blood. He relayed it to his Commander and the latter ordered him to get some companions and go to the scene of the crime to investigate same. When Sgt. Hernando arrived at the place, he found Mamerto Valino lying on the road but still breathing and, about 15 meters away, he found a blood-

stained piece of wood (Exhibit "A") which he picked up. Valino was immediately taken to the Nueva Ecija Provincial Hospital where, despite medical attention, he died at about 5:30 in the afternoon of that day. The cause of his death, according to Dr. Lorenzo J. Santarina who examined the body of the deceased, was "extensive and severe contusions of the face (eyes, lips and temporal region), nape and base of the left lateral aspect of the neck; Multiple lacerated wounds, forehead, face and occipital region; Avulsion of one upper lateral incisor." From the autopsy performed on the deceased, Dr. Santarina also found that the deceased suffered:

- "(1) Fracture, linear, frontal bone, left, extending: to the left orbital plate; temporal-parietal bone, left.
- (2) Intracranial hemorrhage, extensive.
- (3) Avulsion of one upper lateral incisor."

The evidence likewise shows that in the evening of June 21, the 13 sacks of palay were sold in the ricemill of Cheung Kiat Tuy by a person whom he did not recognize; that Cheung Kiat Tuy paid for the 13 sacks P89 which were received by the seller; that the latter left the cart and the empty sacks at the store, saying that he was going to the market and would come back for them, but did not show up again; and that, early the following morning, Cheung Kiat Tuy discovered some bloodstains on the empty sacks and immediately reported the matter to the police, surrendering said sacks at the same time.

On January 21, 1954, at eight o'clock, Paacuala Valino went to see her father in the hospital and found him already unable to talk. At about eleven of the same morning, she saw the appellant approach the bed of her father, accompanied by somebody whom she did not know, and then appellant asked his companion: Mabuhay pa KAYA? (Will he survive?), a question which showed great concern over the condition of Mamerto Valino, for which reason suspicion fell on him. He was then arrested by the police of Cabanatuan City for questioning in the afternoon of January 22, 1954, but was released that same afternoon for no evidence was found against him. At about 9:30 in the evening of the same day, he was again arrested and brought to the Constabulary headquarters for further questioning. He at first professed ignorance of the killing, but nearing midnight he indicated to Sgt. Arturo Salvador that the man who killed Valino was one Manolito Santiago. He was then subjected to further investigation and his statement, Exhibit "G" was typewritten, wherein he declared that at about 6:30 in the evening of January 20, 1954, Manolito Santiago and one

companion held up Valino and robbed him of his bull cart and palay which Manolito Santiago and companion took away. Then Sgt. Salvador sent for Manolito and confronted him with the appellant. Manolito denied any participation in the robbery and stated that he was being pointed to by Francisco Garcia because the latter had a grudge against him on account of a certain lady both were courting. Manolito was then released and appellant retained in the barracks. Early at dawn of January 23, 1954, Garcia called Sgt. Salvador and told him that he was ready to confess the truth. His statement. Exhibit "D" was then taken. It reads as follows:

"Ako si FRANCISCO E. GARCIA, alias "Kiko", may 21 taong gulang, binata, magsasaka at naninirahan sa Diversion dito sa lun- sod ng Cabanatuan, matapos na makapanumpa ng ayon sa batas ay malaya at kusang'-loob na nagsalaysay ng mga sumusunod:

"Na, nuong magiika 5:00 ng hapon, (araw ng Miyercoles) ika 20 ng Enero, 1954, ako ay umalis sa aming bahay sa Diversion, at ako ay nagtungo sa may Out-Post ng Pulis sa panulnkan ng Highway Road at kaisadang bago na patungong Papaya.

"Na, nang dumating ako sa n&sabing panulukan ng daan ay nakakuha ako ng kaputol na kahoy (kamatsili), at yaon ay aking tinungkod-tungkod ko habang altofy naglalakad sa bagong kaisadang patimgoiiig Papaya.

"Na, nang dumidilim na, sa aking; paglalakad ay nakasalubong ako ng nagkakariton sa makalampas ng tubig humigit kumulang ay may layong mga apat na unat auga sa highway. Ang nasabing. nagkakariton ay isang matandang lalaking nagiisa lamang.

"Na, ang sadyang layunin ko mion ay lumabaa sa bukid, nguni't ng makita kong nagiisa zing matandang' lalaki ay naisipan kong: harangin iyon, kaya't sa sandaling makalampas ng kauiiti sa akin "ang nasabing karitooi at maagapay sa akin ang matandang lalaki, ang ginawa ko ay hinampas ko ng aking dalang kahoy at siya ay tinamaan sa batok, Ang matandang lalaki y nahulog sa karifcoli. Ang ginawa ay pinangko ko siya at aking dinala sa bukid sa may gawing kanan kung mang-gagaling rito. Nang mailayo ng humigit kumulang sa mga daiawangpung (20) unat sa kalsada sa aking palagay, ay muli ko siyang

pinalo sa mukba ng may sampung ttit.

“Na nang inaakala kong mamatay na ang nasabing matanda, ang ginawa ko ay iniwan ko na siya at sinakyan ko ang kariton. Idinaan ko sa highway at itinuloy ko sa puno ni Tecson sa daang Melencio. Ipinagbili ko roon ang labing-tatlong (13) kabang palay, at nang matanggap ko na ang kabayaranang walongpu at isang piso (P81), ako ay umalis at sinabi kong may pupuntahan lamang ako sandali, sapagkat ang kalabao at karitort ay iniwan ko na roon.

“Na, ako nuon ay nagtuloy sa bayan at ako ay kumain sa isang restaurant (City Cafe). Matapos po iyon ay nmuwi na ako sa aniin at ako’y natulos1 na.

“Na, kaya ko doon dinala sa kono ni Tecson ang palay ay sapagka’t mayroon akong kakilala roong kargador at ito ay si Pablo na hindi Uo alam ang upelyido.

NA SA KATOTOHANAN NG LAHAT, ako ay malaya at kusang-loob na lumagda sa ibaba nito na wala sino mang pumilit sa akin o Jiangako kaya ng ano mang uring gantingpala.

(Sgd.) Francisco K. Garcia

After signing this statement, he was brought to the Special Counsel Filomeno F. Soto before whom said statement was sworn to by him. He was asked by the Special Counsel if the statement was his and he answered in the affirmative. He was also asked if he had been threatened, or promised any reward or remuneration before signing the same and he answered in the negative. He affirmed before the Special Counsel the truth of the contents of said statement.

In the case at bar there is no direct eyewitness to the perpetration of the crime. The only evidence linking the accused with the crime is the confession which he claims was obtained from him by means of threat, violence and intimidation. On the witness stand, he repudiated Exhibit “D”, alleging that it was the result of maltreatment inflicted upon him by Sgt. Marania of the P. C. and that he had signed it to avoid being killed. He also testified that at the time the crime at bar was perpetrated, he was at the store of Laura Martin in the Diversion Road where he was eating halo-halo and conversing with one Pedro, and that he remained, in that store up to ten o’clock in the evening.

The question therefore revolves about the proper value and weight of the aforequoted

confession marked Exhibit "D". It was evaluated by the trial judge, clearly and exhaustively, and we make our own such evaluation which is expounded in the following portion of the decision:

"Explaining the circumstances surrounding the taking and signing of the statement marked Exhibit "D", he declared that he was picked up by the police of Cabanatuan at about 4:30 in the afternoon of January 22, 1954, for investigation, but he was later released when they could not find any evidence against him. However, he was picked up again by Sgt. Marania of the P. C. at about 9:30 that evening of the same day. After his arrival at the P. C. headquarters, Sgt. Marania asked for one Salvador, who asked him why he was accused of having committed the robbery at the extension of A. Mabini street. He said he knew nothing about it. He was then taken by two soldiers outside the barracks near the kitchen and maltreated by them. He was hit on the stomach many times and he lost consciousness. They then forced him to admit his guilt and when he refused they continued maltreating him. After that he was asked again if he would admit it, but he again refused. Sgt. Torres brought him some papers on January 23, 1954, at about 5:00 p. m. This appears to be Exhibit "D" which he was asked to sign. He asked him to read the same to him, but he refused* so he refused to sign it and they maltreated him again. He lost consciousness and when he came to, he was asked to sign it otherwise he would die, Again he refused. They then pointed their guns on his back and asked him again to sign in order that he would be released, which he did. After signing the said statement they stopped maltreating him.

He was then warned by the soldiers to maintain what he had signed, otherwise he would be killed. He was then brought in a jeep to the City Hall before Special Counsel Filomeno J. Soto, who read to him his statement. When asked if he admitted the truth of the same, he answered in the affirmative, because of the warning given him by the P. C. Soldiers. From there he went back to the Philippine Constabulary headquarters where he stayed for five days. He was later examined by Dr. Ronquirillo, City Health Officer, for physical injuries.

The whole case, therefore, revolves around the admissibility of the sworn statement signed by the defendant and marked Exhibit "D" in this case. The defendant claims that the same was extorted from him by means of force,

violence and intimidation. Since the presumption of law is in favor of the spontaneity and voluntariness of the statement given by the defendant, it becomes incumbent upon him to destroy the said presumption. There is no evidence of a higher quality than a confession. It represents the outward manifestation of the guilty conscience of a man. Unless, therefore, the confession is nullified by evidence of duress, which is denied by the investigators, the same is admissible as an evidence of guilt of a high quality. This, the Court believes, the defendant failed to do. He offered nothing tangible to support his claim. It is true that Dr. Ronquillo declared that he found a 'tender portion' in the abdomen of the defendant about the size of a santol fruit, yet it had no visible sign of reddening or bulging. " It is very strange, however,

that if what the defendant described is true, the physician should have found not only one but several contusions and traces of violence of a more serious nature, since according to him he had been so severely beaten that he even lost consciousness.

With respect to the sworn statement signed by the defendant, it must be noted that he executed another statement marked Exhibit "G" in this case when he was first investigated by the P. C. agents. In this statement he was imputing the commission of this crime to another person by the name of Manolito Santiago. When this party was contacted, it turned out that there was a grudge between them and so the imputation made by the defendant was not given any significance. He cannot claim that he was given fist blows and other forms of maltreatment when he executed Exhibit "G". He denies having executed the same voluntarily, but his denial becomes absurd when we consider that the investigators did not even know the party whom the defendant was accusing to be the true author of the crime. And Exhibit "G" is not even a confession on his part. It is clear, therefore, that the defendant had been trying to fool or mislead the investigators in order to divert their attention away from him.

On the other hand, when he was before the Special Counsel, he was asked if he had been influenced in any way to sign the statement, his answer was in the negative, When asked if he signed the same voluntarily, he said "Yes". He had the best opportunity in his life to denounce those who had used third degree in making him sign a confession, which is not true, but he missed this

opportunity by saying nothing but, instead, affirming the truth of the contents of the said exhibit. Moreover, he was visited by his uncle, a very responsible public official, being the principal of the Central Luzon School of Arts and Trade, shortly after he had signed the statement before the P. C. investigators, which according to him was done through violence and intimidation, but he never told his uncle about it. When asked why he failed to do so, he said he was afraid and yet he stated that he told him later after he had already sworn to the statement before the Special Counsel while still under the custody of the soldiers, which appears to be an afterthought.

Moreover, there is evidence that on the afternoon when the deceased was still confined in the hospital the defendant looked inside and asked someone this question: "Mabuhay pa kaya?" This question is very significant in the sense that—not being a relative of the deceased nor even a friend, the defendant wondered if the patient was going to survive. Why should he be interested in the survival of the said patient? He has no explanation to offer for this remark, but only a mere denial, which the Court cannot accept as valid. The effect of this attempt of the defendant to explain the circumstances surrounding the taking of his statement is only to show that he has failed altogether to destroy the validity of the said statement.

As to the defense of alibi offered by the appellant, suffice it to say that it cannot be entertained in view of his confession Exhibit "D", which is corroborated by the testimony of Cheung Kiat Tuy *alias* Tecson with regard to the sale of the palay in question at his store and the fact that the seller of said palay left the empty sacks and the cart with bloodstains in that store. Wherefore, finding no error in the decision appealed from, the same is hereby affirmed *in toto*, with costs against the appellant.

Bengzon, Padilla, Montemayor, Reyes, A., Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L., and Felix, JJ., concur.

