

101 Phil. 1056

[ G.R. No. L-10219. August 29, 1957 ]

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF, VS. BENJAMIN GOMEZ Y SANGA, ET AL, DEFENDANTS, AND RICARDO DE JESUS Y GATOS, DEFENDANT AND APPELLANT.**

**LABRADOR, J.:**

In an information dated October 1, 1954 Benjamin Gomez y Sanga, Alejandro Ramos y Cailao, Komualdo Lobrio y Miranda, Ricardo de Jesus y Gatos *alias* Carding Aguila, and Dominador Senio y Gaviola were charged with the crime of robbery with homicide committed at No. 1198 La Torre St., Manila, on September 29, 1954, on which occasion the owner of the house, Pablo Lim, was stabbed with a kitchen knife and killed. The first four were all arrested and when the information was read to them, they all pleaded not guilty. Before the trial Komualdo Lobrio y Miranda withdrew his plea and entered a plea of guilty, so the case continued as to the other three accused. But after two of the most important witnesses for the prosecution had testified, Benjamin Gomez y Sanga and Alejandro Ramos y Cailao also withdrew their former plea of not guilty and substituted it with that of guilty. So the case continued with respect to the last two of the accused, namely Ricardo de Jesus y Gatos *alias* Carding Aguila and Dominador Senio *alias* Adol. After conclusion of the trial the court acquitted Dominador Senio *alias* Adol but found Ricardo de Jesus guilty and sentenced him accordingly. All the three accused who had pleaded guilty were also sentenced.

Ricardo de Jesus y Gatos appealed from the judgment to the Court of Appeals, which certified the case to US on the ground that the judgment appealed from imposes the penalty of *reclusion perpetua* upon four of the accused.

It is not disputed, and the evidence for the prosecution satisfactorily shows, that after midnight (about 1 o'clock) of September 23, 1954, while the spouses Pablo Lim and Virginia Flores and their children were sleeping soundly in their house at 1198 La Torre street, Tondo, Manila, the wife was suddenly awakened as she noticed someone walking above the head of her husband. She immediately shouted to her husband, 'Tabling, Pabling, *mayroon*

*magnanakaw.*” Thereupon, she went to the kitchen to inform her mother-in-law of the presence of a thief in the house. Her son Danilo Lim, 9 years old, was also awakened by the noise of a person walking in the room. He saw this person taking a radio, some clothes and a clock, which he carried to a window and which he handed to another at that place. Both the mother and Danilo Lim testified that the person who was inside the room was the accused Alejandro Ramos. But the boy also declared that he recognized the person who stabbed his father near the window and that it was Romualdo Lobrio.

The evidence submitted by the prosecution to connect the appellant Ricardo de Jesus y Gatos with the crime is his confession, Exhibit “A” which he signed before the police on September 80, 1954. According to the detectives who testified for the prosecution the appellant signed this freely and voluntarily. But the appellant claims that it was not made voluntarily, alleging that he was forced to sign it because he had been manhandled and was beaten badly by the police, and that he had to sign it because of the beating that he received and the pains he felt by reason of the beating. The appellant sought to corroborate his claim, that the confession was obtained by him through force and violence, by the testimonies of the other accused, namely, Alejandro Ramos, Benjamin Gomez and Romualdo Lobrio. The appellant also submitted evidence to the effect that in the evening of September 29, he was in a party in which drinking was indulged in; that at about 10 o’clock that night he was brought to his house drunk; that he went to sleep immediately and was in bed until about 4 o’clock the next morning. This testimony of his was corroborated by that of his father and Francisco del Mundo and Delfin Reyes. In spite of this formidable array of witnesses declaring<sup>1</sup> in favor of the appellant, the trial court refused to believe the claim of the appellant.

We have taken pains to scrutinize with care the confession signed by the appellant and we find that it could not have been the voluntary confession of the appellant, as the prosecution claims and as the court *a quo* found it, but that it must have been prepared under the direction of the accused Romualdo Lobrio and put to writing under the latter’s direction, and that the appellant was compelled to sign it later as his own confession. Thus Alejandro Ramos testified that the statements<sup>1</sup> were given to the detectives by Lobrio and Gomez, and not by Ricardo de Jesus (t.s.n., pp. 41-42, hearing on January 4, 1955). Benjamin Gomez declared that the appellant did not want to give a statement but that Alejandro Samoa maltreated him as also did the detectives (t.s.n., pp. 35-36, *idem.*) Romualdo Lobrio declared that appellant was forced to sign the confession<sup>1</sup> and that he, Lobrio, was one of those who gave him fist blows to compel him to sign the statement (t.s.n., p. 8, hearing on January 11, 1955).

The confession contains the statement that the person who was inside the house and who stabbed Pablo Lim was Adol (Bominador Senio y Gaviola), and that Adol took the stolen things inside the room of the house and delivered them to Ricardo de Jesus, who in turn handed the things stolen to Romualdo Lobrio, who was downstairs. The statements conflict with the evidence submitted by the prosecution, according to which it was Alejandro Ramos who was inside the room; that Alejandro Ramos delivered the articles stolen to Romualdo Lobrio near the window, and that it was Romualdo Lobrio who stabbed the owner of the house. The same statements are contained in the affidavit of Benjamin Gomez and Romualdo Lobrio (Exhibits "1", "i" and "j"), namely, that it was Dominador Senio and Ricardo de Jesus who were inside the house and that Alejandro Ramos and Romualdo Lobrio and Gomez who were down below. The parallelism between the three affidavits or confessions signed by Alejandro Ramos, Romualdo Lobrio and Ricardo de Jesus to the effect that the appellant and Dominador Senio were inside the house while the other three accused, Lobrio, Gomez and Ramos were down below, leads to the conclusion that the confessions were actually the statements given for the appellant by the three accused who pleaded guilty, namely, Lobrio, Ramos and Gomez. These confessions were made on September 30, before trial and before they pleaded guilty. Evidently, at that time, they wanted to shift the blame to De Jesus, the appellant, and to Senio. But when the trial started and proceeded, and the witnesses for the prosecution testified and pointed out Lobrio and Ramos as the ones who were inside the house and stabbed the deceased owner, they had no other recourse but to admit their guilt, and impelled by their conscience they later admitted that it was they who had committed the offense, and they also testified in favor of the appellant Ricardo de Jesus.

We are fully satisfied after a consideration of the facts and circumstances, especially above set forth, that the confession Exhibit "H", although signed by appellant Ricardo de Jesus, does not represent a voluntary acknowledgment by him of his participation in the crime, but a statement of his co-accused imputing to him the offense and relieving themselves (the accused) of the responsibility for the act which they themselves had committed. Under these circumstances we must declare that the charge against the appellant has not been proved beyond reasonable doubt as the law requires, and we must declare him innocent of the charge and absolve him therefrom.

The judgment appealed from, declaring appellant guilty, is hereby reversed and the appellant acquitted, with costs *de officio* in both instances.

*Paras, C. J., Bengzon, Padilla,, Montemayor, Reyes, A., Bautista Angelo, Concepcion,*

*Reyes, J. B. L., Endencia, and Felix, JJ., concur.*

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