

Title: People of the Philippines vs. Roger P. Tulin, Virgilio I. Loyola, Cecilio O. Changco, Andres C. Infante Jr., Cheong San Hiong, and John Does

Facts:

On the evening of March 2, 1991, the cargo vessel M/T Tabangao, loaded with valuable petroleum products, was pirated off the coast of Mindoro, Philippines. The vessel was bound for Batangas from Bataan when it was seized by seven pirates led by Emilio Changco, older brother of accused-appellant Cecilio Changco.

The pirates, including accused-appellants Roger P. Tulin, Virgilio I. Loyola, and Andres C. Infante Jr., boarded the vessel by force and took control after detaining the crew. They proceeded to paint over the vessel's name and company logo, renaming it as "Galilee" and claiming registry in Honduras. Under duress, the crew was forced to sail to Singapore and mislead the Philippine National Oil Company (PNOC) regarding the ship's status through false radio messages.

When a supposed rendezvous in Singapore failed to occur, the pirates returned to the Philippines. Later, the vessel sailed again near Singapore and transferred the stolen cargo to another vessel, "Navi Pride," under the supervision of accused-appellant Cheong San Hiong.

After the final transfer of illicit cargo, the vessel returned to Batangas, and on April 10, 1991, the crew was released and warned not to report the incident. Accused-appellant Cecilio Changco facilitated the release and transport of the crew back to land. The incident was eventually reported, leading to a series of arrests, and an Information charging the accused with qualified piracy under Presidential Decree No. 532 was filed.

The trial proceeded against accused-appellants. Tulin, Infante, Jr., and Loyola claimed innocence and provided an alibi, which the prosecution successfully rebuked. Accused-appellant Changco denied involvement and claimed he was at his home during the incident. Accused-appellant Cheong San Hiong argued his employment as a Port Captain in Singapore and involvement only in cargo transfers, denying knowledge of the cargo's illicit origins.

Issues:

1. Whether the accused-appellants' rights were violated when initially represented by a non-lawyer, affecting the validity of the trial.
2. Whether the absence of counsel during the custodial investigation and the subsequent

treatment affects the admissibility of confessions and the validity of the conviction.

3. Whether the prosecution proved beyond reasonable doubt the accused-appellants' commission of the crime of qualified piracy.

4. Whether Republic Act No. 7659 obliterated the crime committed by accused-appellant Cheong.

5. Whether accused-appellant Cheong can be convicted as an accomplice when not charged as such and when the acts committed were outside Philippine waters.

#### Court's Decision:

The Supreme Court affirmed the conviction of all accused-appellants. The High Court ruled that:

1. The accused-appellants validly waived their right to attorney representation during the trial, with the aid of a bona fide lawyer advising them of the waiver's implications.

2. The absence of counsel during custodial investigation rendered confessions inadmissible. However, sufficient evidence beyond the confessions warranted conviction.

3. The prosecution proved the identities and involvement of the accused-appellants in the piracy through the credible testimony of the crew and circumstantial evidence, despite the accused-appellants' denials and alibis.

4. Republic Act No. 7659 did not supersede or amend Presidential Decree No. 532 and did not affect the crime's subsistence, as the two laws can coexist harmoniously.

5. Accused-appellant Cheong's conviction as an accomplice was warranted based on a presumption of knowing involvement under the provisions of Presidential Decree No. 532, which was not overcome by Cheong.

#### Doctrine:

A valid and voluntary waiver of the right to counsel during the trial, under advisement of a bona fide lawyer, will be upheld. The absence of counsel during the custodial investigation renders confessions inadmissible, although this does not necessarily preclude a conviction based on the remaining evidence. The existence of a conspiracy need not involve participation in every act but requires a united purpose or common design. Republic Act No. 7659 does not repeal or supersede Presidential Decree No. 532, and the laws against piracy in Philippine waters can coexist. Aiding or abetting piracy, as contemplated under Section 4 of Presidential Decree No. 532, implicates an individual as an accomplice, resulting in their conviction if they fail to prove their lack of knowledge about the crime.

#### Class Notes:

- Right to Attorney Representation: A non-lawyer's representation can be cured by a valid

waiver made under advisement of a bona fide lawyer.

- Custodial Investigation Rights: Absence of counsel renders confessions invalid, but a conviction can be sustained on other evidence.
- Conspiracy: Involvement in a crime can be established through a shared goal, not necessarily through direct participation.
- Piracy Laws: Presidential Decree No. 532 is not abrogated by Republic Act No. 7659 and provides comprehensive coverage of acts of piracy in Philippine waters.
- Accomplice Liability: Knowledge of the criminal endeavor and aiding or abetting the principal offenders establish accomplice liability.

#### Historical Background:

The case is set against the backdrop of increasing instances of piracy in Philippine waters during the early 1990s, prompting the enactment of stricter laws and measures such as Presidential Decree No. 532 to curb such acts of lawlessness. This case reflects the judiciary's commitment to upholding these laws and international norms against piracy.