

### Title:

People of the Philippines vs. Herson Tan Y Verzo: A Critical Examination of Confession Admissibility Under Philippine Law

### Facts:

On December 5, 1988, Freddie Saavedra, a tricycle driver, went missing after informing his wife that he would be driving Herson Tan and Lito Amido. The next day, Saavedra's body was discovered with fourteen stab wounds. An investigation led by the Lucena Philippine National Police (PNP) proceeded upon discovery of an abandoned sidecar identified as belonging to Saavedra. Herson Tan, upon being invited for questioning without an arrest warrant, allegedly confessed to the murder and the theft of Saavedra's motorcycle. It was claimed that Tan and Amido sold the stolen motorcycle, and this confession led to the recovery of the motorcycle. At trial, Tan recanted his statement, arguing it was made without legal representation.

The trial at the Regional Trial Court of Gumaca, Quezon resulted in Tan being convicted of highway robbery with murder, largely based on his unrecorded and uncounselled confession. Amido was acquitted due to insufficient evidence.

### Issues:

1. Is a confession obtained without the benefit of counsel admissible in a criminal trial?
2. Does the mere invitation by police officers for questioning constitute custodial investigation warranting the application of constitutional rights?
3. What are the legal requirements for a confession to be deemed admissible in court?

### Court's Decision:

The Supreme Court reversed the decision of the Regional Trial Court, acquitting Herson Tan on the basis that his constitutional rights during the custodial investigation were violated. The Court clarified that:

1. A confession to be admissible must be voluntary, made with competent and independent counsel, be express, and be in writing. Tan's confession lacked these requirements.
2. The issuing of an "invitation" by police for questioning related to a suspected offense invokes the rights to silence and to counsel; thus, what transpired was indeed a custodial investigation.
3. The failure to afford Tan his constitutional rights rendered his confession inadmissible, leading to an insufficiency of evidence to warrant a conviction.

### Doctrine:

The decision reaffirmed the constitutional doctrine that any confession or admission obtained in violation of the right to counsel and to remain silent during a custodial investigation is inadmissible in evidence against the accused.

### Class Notes:

Key Elements to Remember:

- Custodial Investigation Rights: Secured by Article III, Section 12 of the Philippine Constitution, these rights include being informed of the right to remain silent and to competent and independent legal counsel.
- Conditions for Admissibility of Confessions: Voluntariness, counsel assistance, express statement, and written form.
- Role of "Invitation" in Custodial Investigation: An invitation for questioning by law enforcement can trigger the rights associated with custodial investigation, particularly when it focuses on a specific suspect.
- Republic Act No. 7438: It further emphasizes the rights of persons under custodial investigation, including when invited for questioning.

### Historical Background:

The case highlights a critical period in Philippine jurisprudence where the Supreme Court strictly interpreted and upheld the constitutional rights of individuals against self-incrimination and to legal representation during custodial investigations. This decision serves as a testament to the judiciary's role in protecting individual liberties against procedural misconduct by the law enforcement authorities.