

Title: People of the Philippines vs. Noli Salcedo et al.

Facts:

In an information dated October 28, 1988, several accused including Noli Salcedo, Edison Banculo, Juanito Sual, Jr., and Danilo Laurio, were charged with murder for the death of Honorio Aparejado y Fideles in Barangay Gabi, Municipality of Baleno, Province of Masbate, Philippines on June 20, 1988. The crime was characterized by evident premeditation, treachery, superiority of strength, and the advantage of nighttime. On September 12, 1989, and January 23, 1990, the accused, represented by their attorneys, pleaded not guilty. Trial proceeded against those apprehended, and on May 6, 1991, the trial judge convicted Salcedo as principal, and Banculo, Sual, Jr., and Laurio as accomplices, while acquitting others.

The prosecution presented Edwin Cortes, a farmer and brother-in-law of the victim, as its principal witness. He testified that on the night of the incident, a group of armed men led by Noli Salcedo arrived at their home, ordered them outside, tied, and then led them across a creek. Salcedo then shot and hacked Aparejado before the group mutilated and left with parts of the victim's body. Municipal Health Officer Conchita Ulanday reported the postmortem findings, documenting multiple fatal wounds. Lydia Aparejado, the victim's widow, testified about her husband's death and the expenses incurred thereafter.

The defense mainly hinged on alibis and claims of physical maltreatment by police during the investigation, arguing that the extrajudicial confessions were made without counsel, thus inadmissible. Accused recounted their locations during the crime and denied knowing or seeing the killing.

Issues:

1. The admissibility of extrajudicial confessions made without the assistance of counsel.
2. The credibility of witness testimony directly implicating an accused in a crime.
3. The adequacy of the defense of alibi against positive identification by witnesses.
4. The applicability of treachery in qualifying the killing to murder.

Court's Decision:

The Supreme Court partially granted the appeal, acquitting Banculo, Sual, Jr., and Laurio due to the inadmissibility of extrajudicial confessions made without counsel. However, it

affirmed Salcedo's conviction based on the positive identification by the prosecution witness, Edwin Cortes, of his direct participation in the killing. The Court ruled that the testimonial evidence provided a clear account of Salcedo's leadership in the execution of the crime, sufficient to support a conviction beyond reasonable doubt. It highlighted deficiencies in Salcedo's alibi and stressed that his identification by Cortes was unequivocal and unshaken, thus upholding the lower court's ruling. Treachery was established, substantiating the qualification of the killing as murder.

Doctrine:

- An uncounselled extrajudicial confession, even if reflective of the truth, is inadmissible in evidence if made without the assistance of counsel and without a valid waiver thereof.
- The positive and categorical identification of an accused by a credible witness can be sufficient to establish guilt beyond reasonable doubt, overshadowing the defense of alibi.
- The presence of treachery qualifies a killing to murder when the mode of attack adopted ensures the execution of the crime without risk to the assailant.

Class Notes:

- **Rights under custodial investigation:** The necessity for the presence of and assistance by counsel during custodial investigation is a fundamental right that cannot be waived except in writing and in the presence of the lawyer.
- **Positive Identification vs. Alibi:** A weak defense of alibi cannot stand against the positive identification of the accused by a credible witness.
- **Murder and Treachery:** For a killing to be considered murder due to treachery, it must be shown that the means of execution gave the victim no opportunity to defend themselves or retaliate.
- **Evidence of Guilt:** The conviction must rest on strength of evidence proving the guilt of the accused beyond reasonable doubt, not the weakness of the defense.

Historical Background:

This case highlights the judicial insistence on adherence to constitutional rights, especially concerning custodial investigation and the importance of counsel. It reflects the balancing act courts face in upholding procedural safeguards while seeking to administer justice in criminal cases.