

**\*\*Title:\*\*** People of the Philippines vs. Joselito del Rosario y Pascual

**\*\*Facts:\*\***

This case revolves around the conviction of Joselito del Rosario y Pascual (“del Rosario”) for the special complex crime of Robbery with Homicide in relation to the death of Virginia Bernas, a 66-year-old businesswoman. The incident took place on May 13, 1996, between 6:00 and 6:30 PM in Cabanatuan City, Philippines. Del Rosario, along with Ernesto Marquez (“Jun”), Virgilio Santos (“Boy Santos”), and John Doe (“Dodong”), was accused of robbing Bernas of P200,000.00 in cash and jewelry and subsequently killing her.

The case reached the Supreme Court on automatic review after the Regional Trial Court of Cabanatuan City found del Rosario guilty as charged, ultimately sentencing him to death and ordering him to pay damages to the heirs of Bernas. Throughout the legal proceedings, it was established by the prosecution through the eyewitness account of tricycle driver Paul Vincent Alonzo and further contested by del Rosario who presented a contradicting account of the incident, asserting his non-participation in the robbery and claiming to have acted under threat and irresistible force.

**\*\*Issues:\*\***

1. Whether or not the presence of threat and irresistible force employed upon Joselito del Rosario by his co-accused exempts him from criminal liability.
2. Whether or not del Rosario was part of the conspiracy among the co-accused to commit Robbery with Homicide.
3. Whether or not there were violations of del Rosario’s constitutional rights as an accused.
4. Whether or not the warrantless arrest of del Rosario was lawful.

**\*\*Court’s Decision:\*\***

1. **\*\*On the Presence of Threat and Irresistible Force:\*\*** The Supreme Court agreed with del Rosario, recognizing that he acted under an irresistible force when he was threatened at gunpoint by his co-accused. This rendered him incapable of acting freely, making him exempt from criminal liability under Article 12, Paragraph 5 of the Revised Penal Code.
2. **\*\*On the Conspiracy:\*\*** The Supreme Court found that there was no substantial evidence to prove that del Rosario conspired with his co-accused in committing the crime. The court emphasized the lack of “concurrence of wills” or “unity of action and purpose” between del

Rosario and the primary perpetrators.

3. **On the Violation of Constitutional Rights:** The Court acknowledged the violation of del Rosario's constitutional rights during the custodial investigation, noting that he was not adequately informed of his rights nor provided with competent and independent counsel.

4. **On the Lawfulness of the Warrantless Arrest:** The Supreme Court concluded that del Rosario's arrest did not satisfy the conditions outlined in Section 5, Rule 113 of the Rules of Court for a lawful warrantless arrest, rendering the arrest unlawful.

Based on these findings, the Supreme Court reversed the decision of the lower court, acquitted Joselito del Rosario, and ordered his immediate release unless detained for another lawful cause.

**Doctrine:** The Court established that a person acting under the compulsion of an irresistible force or under the impulse of an uncontrollable fear of equal or greater injury is exempt from criminal liability. Also, it reiterated the rights of an accused during custodial investigation as guaranteed by the Constitution and relevant laws.

**Class Notes:**

- **Essential Principles in Criminal Liabilities:** Recognition of instances where an individual acts under an uncontrollable fear or force that can exempt them from criminal liability.
- **Conspiracy in Criminal Law:** The need for evidence of concurrence of wills or unity of action and purpose among conspirators.
- **Constitutional Rights of the Accused:** Reinforcement of the rights to remain silent, to counsel, and to be informed of these rights during custodial investigations.
- **Warrantless Arrests:** The conditions under which warrantless arrests are considered lawful, emphasizing the need for immediate action and the arresting person's direct knowledge of the crime.

**Historical Background:** This case exemplifies the complexities involved in the Philippine legal system's treatment of criminal liabilities, particularly in distinguishing between actual perpetrators and those forced into complicity. It emphasizes the judiciary's role in safeguarding constitutional rights while ensuring justice is served.