

Title:

People of the Philippines vs. Elias Barasina y Layneza

Facts:

On July 17, 1988, at approximately 6:40 PM, Olongapo City Fiscal Lino Mayo was shot in the head at the VIP parking lot of the Victory Liner Compound in Caloocan City. Eyewitness Rufino Alvarez saw the gunman fire a .45 caliber handgun at Mayo and then flee the scene. Felipe Hamtig, a security guard, also witnessed the shooting and identified the gunman as Elias Barasina y Layneza. Several people, including Barangay Councilman Prudencio Motos, pursued Barasina. Ultimately, police officer Pfc. Napoleon Francia apprehended Barasina and confiscated the firearm.

Barasina was charged with murder and illegal possession of an unlicensed firearm. During the investigation, Barasina provided an extrajudicial confession, which he later claimed was coerced. The forensic examination confirmed gunpowder residues on Barasina's hands, and ballistics matched the bullet to the gun confiscated from him. The victim's widow, Teresa Mayo, provided evidence of the financial impact of her husband's death.

Barasina pleaded not guilty, and his motions, including one to quash based on double jeopardy and another to strike witness testimony due to incomplete cross-examination, were denied by the trial court.

Issues:

1. Whether the extrajudicial confession of Barasina was admissible in evidence, given that it was allegedly obtained without a competent and independent counsel of his own choice.
2. Whether the trial court erred in admitting the testimony of witness Felipe Hamtig despite incomplete cross-examination.
3. Whether the evidence presented by the prosecution was sufficient to convict Barasina beyond a reasonable doubt.
4. Whether the penalty imposed on Barasina was appropriate under the law.

Court's Decision:

Admissibility of Extrajudicial Confession

The Supreme Court held that Barasina's confession was admissible, as the records showed no indication that Barasina had specifically requested Atty. Romeo Mendoza during the custodial investigation. The presence and assistance of Atty. Abelardo Torres, though fetched by the police, were deemed competent and independent, satisfying the

constitutional requirement.

Testimony of Witness Felipe Hamtig

The Court acknowledged the partial cross-examination of Felipe Hamtig, and given Hamtig's non-appearance was not the prosecution's fault, concluded that his testimony was admissible. The Court found that there was sufficient cross-examination on material points.

Sufficiency of Evidence

The Court affirmed the conviction, noting the positive identifications by the prosecution witnesses and forensic evidence. Barasina's defense, including the claim of picking up a gun dropped by another individual, was deemed implausible and sufficiently countered by witness testimonies.

Penalty

The Court upheld the Court of Appeals' modification of the penalties, imposing reclusion perpetua for both the illegal possession of a firearm and murder, aligning with the jurisprudence established in *People vs. Tac-an* and *People vs. Morato*.

Doctrine:

The case reiterated that in custodial investigations, the constitutional rights of the accused must be preserved by ensuring they have competent and independent counsel. Moreover, partial cross-examination, if sufficiently thorough, does not necessarily invalidate the testimony of a witness even if interrupted.

Class Notes:

- ****Doctrine of Competent Counsel****: A person under investigation must have competent and independent counsel, preferably chosen by themselves.
- ****Right to Confront Witnesses****: The opportunity to cross-examine witnesses is key, and partial cross-examination may suffice if thorough.
- ****Illegal Possession of Firearm as Aggravating Factor in Murder****: Under P.D. 1866, illegal possession of a firearm used in murder significantly enhances the penalty.

Historical Background:

This case occurred during a period when the Philippines was transitioning from the martial law era to the establishment of democratic principles under the 1987 Constitution. The heightened emphasis on human rights protections in the Constitution played a critical role in this case, particularly regarding the rights of the accused during custodial investigations. The ruling reflects the judiciary's effort to balance law enforcement's need to solve crimes

and the imperative to uphold constitutional protections against abuses reminiscent of the martial law years.