

****Title:**** People of the Philippines vs. Ralph Velez Diaz (alias “Jimboy”)

****Facts:****

On December 3, 1996, at around 8:00 PM, Francis Bart Fulache (11 years old) and his younger brother Felbart (10 years old) went to Pier 3 in Cebu City to defecate. They were accompanied by Ralph Velez Diaz, a 30-year-old acquaintance from a local gaming place. Francis invited his brother to Pier 4, but Felbart went home instead. When Francis did not return home by the next day, his parents began searching for him.

On December 4, 1996, SPO2 Ramon Villar received a report of a boy’s body, aged approximately 10-12, found at Bulacao Bridge in a state of nudity and physical abuse, with a stone covering the face. The body was brought to Cosmopolitan Funeral Homes for an autopsy. The autopsy by Dr. Jesus P. Cerna revealed that the cause of death was “intracranial hemorrhage, extensive, with skull fracture, traumatic,” with significant signs of physical abuse and multiple lacerations on the rectum.

Initially misidentified by another family, the body was later confirmed as Francis Bart by his father, Bartolome Fulache. On December 9, a suspicious individual at the wake, later identified as Ralph Velez Diaz, drew attention with unnatural behavior, leading to his voluntary questioning by police. During the investigation, Diaz described his sexual assault and murder of Francis but without proper representation by an independent counsel, rendering his confession inadmissible.

A reenactment of the crime was conducted and photographed, although not admissible as evidence due to lack of authentication. Diaz attempted to establish an insanity defense, presenting Dr. Wilson Tibayan, who diagnosed Diaz with pedophilia, a mental disorder but not equivalent to insanity. Tibayan confirmed Diaz’s ability to distinguish right from wrong.

On April 11, 1997, Diaz was found guilty of murder with associated sexual assault, sentenced to death, and ordered to pay damages. The trial court’s decision, bolstered by circumstantial evidence, was subjected to automatic review by the Supreme Court.

****Issues:****

1. Whether the trial court erred in finding Diaz guilty of murder rather than homicide due to the absence of the qualifying circumstances.
2. Whether the trial court erred in imposing the death penalty.

****Court’s Decision:****

1. **Qualifying Circumstances:**

- The Supreme Court upheld the conviction of murder, affirming the presence of treachery and abuse of superior strength. Treachery was applied given the defenselessness of the child, and the blatant inequality of strength emphasized the abuse.

2. **Death Penalty Imposition:**

- The Supreme Court modified the sentence, commuting Diaz's punishment from death to reclusion perpetua. The Court found the information insufficient for imposing the death penalty. The charge mentioned murder qualified by treachery, abuse of superior strength, and evident premeditation but did not adequately state the commission of sexual abuse. The failure to state sexual assault in the information barred consideration for additional aggravating circumstances.

Doctrine:

1. **Treachery:** The killing of children typically involves treachery since their inherent helplessness precludes any form of defense.
2. **Information Sufficiency:** The crime's legal characterization derives from the factual recitations in the complaint rather than the legal terms used; omissions can affect sentencing.

Class Notes:

1. **Treachery (alevosia):** Characterized by employing methods ensuring execution without risk to the offender, particularly applicable to defenseless victims.
2. **Abuse of Superior Strength:** Involves exploiting noticeable physical dominance over the victim.
3. **Information in Criminal Cases:** Detailed factual recitations are crucial; failure to allege specific acts can limit the scope of penalties.
4. **Insanity Defense:** Requires evidence proving mental incapacity at the crime's commission; mere mental disorder (e.g., pedophilia) does not suffice.

- **References:**

- **People v. Gonzales:** Clarifying the application of treachery in child killings.
- **Art. 14 (16), The Revised Penal Code:** Definition and implications of treachery.

Historical Background:

The case highlights regulations on custodial investigations post-Martial Law era, showing the judiciary's evolving safeguards for accused individuals' rights. The emphasis on precise juridical procedures and psychiatric evaluations underscores the Philippines' judiciary's

effort to align with global human rights standards during the 1990s. This period also emphasized the importance of handling the crimes involving minors with specialized attention due to their vulnerability.