

**PROVINCIAL FISCAL JOSEFINO C. DRACULAN AND 4TH ASSISTANT
PROVINCIAL FISCAL PATRICIO T. DURIAN, MGA HUMIHILING, VS.
HON. PROCORO J. DONATO, DISTRICT JUDGE, COURT OF FIRST
INSTANC...**

G.R. No. L-46027. September 15, 1978

Ponente: BARREDO, J.

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BARREDO, J.:

Kahilingan ng mga tagausig na Piskal Provinsial at Pang-apat na Katulong na Piskal ng Lalawigan ng Isabela na pawalan ng bisa ang kautusan na may petsang Marso 25, 1976 ni Hukom Procoro J. Donato ng Hukumang Unang Dulugan ng nasabing lalawigan na nagpasiya na hindi maaring tanggapin bilang katibayan (evidence) laban sa isang nasasakdal na nagngangalang Jaime Gumpal sa kasalanang asesinato (sadyang pagpatay ng tao) ang salaysay (statement) nito na nilagdaan sa harap ni Constable Jaime Senin, isang tagapagsiyasat ng Philippine Constabulary, at naglalaman ng pag-amin ng kasalanang ipinaparatang sa kaniya. Ibinatay ni Hukom Donato ang nasabing kautusan sa palagay na ang pag-amin na iyon ni Gumpal ay nangyari sa paraang labag sa Saligang Batas ng Pilipinas.

Lumalabas sa rekord na noong Pebrero 21, 1974, si Jaime Gumpal ay isinakdal sa Hukumang nabanggit sa kasalanang pagpatay sa isang taong nagngangalang Florentino Arranzazo. Pagkadakip sa kaniya ng mga maykapangyarihan, siya ay piniit sa 116th P.C. Headquarters sa Santiago, Isabela. Samantalang siya ay nasa piitan, siniyasat siya ng mga tagapagsiyasat ng Konstabularya. Sa isang yugto ng pagsisiyasat, noong Disyembre 4, 1973, si Gumpal ay lumagda sa isang salaysay (statement) na ang pangbungad na sinasabi ay ang sumusunod:

"Ang taong tinatanong ay pinagsabihan tungkol sa kanyang mga karapatan sa ilalim ng Saligang Batas, at ipinaliwanag sa kanya na siya ay hindi maaaring pilitin na magbigay ng ano mang deklarasyon kung kanyang pipiliin. Ipinaliwanag din sa kanya ang tungkol sa imbestigasyon na ito na ang ano mang sasabihin niya dito ay maaaring gamitin laban sa kanya x x x."

Ang salaysay na ito ay tinatakang "Exhibit D".

Pagkaraan ng ilang araw, o kaya noong ika-3 ng Pebrero, 1974, lumagda rin siya sa isa pang salaysay (sa wikang Engles naman) na ang pangbukas na pangungusap ay ganito:

"The Affiant was apprised of his constitutional rights and explained to him the nature of this investigation, warned him that anything he may state herein may be used for or against him in any Court proceedings, he was also advise that he has the right to secure legal assistance and/or Counsel de Oficio before answering questions profounded to him x x x."

Sa pangalawang salaysay na ito na minarkahang "Exhibit C", inamin ni Gumpal na siya nga ang pumatay kay Arranzazo. At napatunayan pa ng Piskal sa harap ng hukuman na ang kabiyak na gunting na kaniyang ginamit sa pagpatay na iyon na sang-ayon sa kaniya ay kanyang itinago, ay natagpuan ng mga tagapagsiyasat sa pook na kanyang pinagtaguan sa Calabayan, Angadanan, Isabela. Itong "Exhibit C" na ito ang hindi tinanggap ni Hukom Donato bilang katibayan sa paglilitis kay Gumpal. (Ang kabuuan ng "Exhibit C" na nasa wikang Ingles ay kalakip bilang Annex A ng kapasiyahang ito upang maunawaan ng lahat ang mga pangyayari na Aming pinagsasaligan.)

Ayon kay Hukom Donato, batay sa Saligang Batas ng Pilipinas, upang ang ano mang salaysay ng isang nasasakdal ay tanggapin ng hukuman na katibayan laban sa kanya, dapat na patunayan muna ng Piskal na bago ito ginawa ay napabatid at naipaliwanag na sa kanya na siya ay mayroon karapatan, sang-ayon sa Saligang Batas, sa Artikulo IV, Seksyon 20 nito, na magsawalang-kibo (to remain silent). Ang seksyong nabanggit ay naguutos ng ganito:

"SEK. 20. Hindi dapat pilitin ang isang tao na tumestigo laban sa sarili. Ang sino mang tao na sinisiyasat dahil sa paglabag ay dapat magkaroon ng karapatang magsawalang-kibo, magkaroon ng abogado, at mapatalastasan ng gayong karapatan. Hindi siya dapat gamitan ng puwersa, dahas, pagbabanta, pananakot, o ano pa mang paraan na sisira sa kanyang malayang pagpapasiya. Hindi dapat tanggapin ang ano mang pagtatapat na nakuha na labag sa seksiyong ito."

At sapagka't sa pinag-uusapan ditong salaysay, Exhibit C, ay walang maliwanag na babala, ayon kay Hukom Donato, tungkol sa karapatang ito, magiging labag sa Saligang Batas kung ito ay tatanggaping katibayan (evidence) laban kay Gumpal.

Sa kabilang dako, idinadaing naman ng Piskal at ng Solicitor General, na ang ginawang iyon ni Hukom Donato ay hindi wasto o walang batayan sa batas, kung kaya't hinihiling nila na iyon ay pawalan ng bisa. Sang-ayon sa Solicitor General, ang tagapagsiyasat na kumuha ng mga salaysay ni Gumpal, si Constable Senin, ay nagsalaysay sa harap ng hukuman at sinabi na:

"Q Are you familiar with the provisions of Section 20, of Article 4 of the Constitution?

A Yes, sir.

Q Having known the provisions of the Constitution particularly Section 20, Article 4 of the New Constitution, will you tell the Honorable Court what procedure or steps did you take in connection with the investigation of the accused Jaime Gumpal during the investigation on February 3, 1974?

A Before I took the statement of Jaime Gumpal on February 3, 1974 I apprised him of his rights of Section 20, Article 4. I told him that he has the right to secure his counsel. I even confronted him that whatever he may state in this statement in his favor or against him and the court of justice. I mentioned that in the affidavit. The same warning.

Q After apprising him of his constitutional rights and warning him what did Jaime Gumpal say if any?

A He gave his statement voluntarily, sir. (pp. 10-11, t. s. n., June 6, 1974; italics ours)."

At dahil sa sinabing ito ni Constable Senin, ipinapalagay ng Solicitor General na sapagka't naipaliwanag na ng tagapagsiyasat kay Gumpal na ano mang sasabihin niya o isasagot niya sa mga tanong ay maaaring gamitin laban sa kaniya, ang babalang ito ay sapat nang pagtupad sa mga ipinag-uutos ng Saligang Batas. Sa ibang salita, sang-ayon sa Solicitor General ang karapatan ng isang mamamayan na magsawalang-kibo (to remain silent) ay sakop o napapaloob na sa kaniyang karapatan na hindi siya maaaring pilitin na maging saksi ng laban sa kaniyang sarili. Samakatuwid, ayon sa Solicitor General, kapag ang isang sinisiyasat ay napaliwanagan na ano mang isasagot niya sa mga itatanong sa kaniya ay maaaring gamitin laban sa kaniya at hindi siya maaaring pilitin maging saksi laban sa kaniyang sarili, para na ring siya ay binabalaan na siya ay mayroong karapatang magsawalang-kibo. Ibinabatay niya ang palagay na ito sa doktrina ng Korte Suprema na rin na nagsasabi na:

"We here limit Ourselves to a discussion of this right to counsel and to be informed of such right, because that is the only principal issue in these cases, and that is the only new right given to an accused by the New Constitution, with respect to extra-judicial confessions. Under the Old Constitution, there was already the provision that no person shall be compelled to be a witness against himself (Art. III, Sec. 1(18); this right included the right to remain silent (U.S. vs. Luzon, 4 Phil. 343); and confessions obtained through force, violence, threat, intimidation or any other means which vitiates the free will were already declared inadmissible against an accused person in a number of Our decisions to which we shall refer in the course of this opinion, although they were raised into the category of constitutional mandate under Section 20, Article IV of the New Constitution." (Magtoto vs. Manguera, 63 SCRA 4, 11.)

Bukod dito, ipinasasaalang-alang ng Solicitor General ang mga pangbungad na babala sa Exhibit D, iyong salaysay ni Gumpal na may petsa Diciembre 3, 1974. Kagaya ng mababasa sa nasabing Exhibit D, doon ay maliwanag na sinasabi na sa "taong tinatanong . . . (ay) ipinaliwanag sa kaniya na siya ay hindi maaaring pilitin na magbigay ng ano mang deklarasyon kung kanyang pipiliin. Ipinaliwanag din sa kanya ang tungkol sa imbestigasyon na ito na ang ano mang sasabihin niya dito ay maaaring gamitin laban sa kanya x x x. Ang ibig sabihin ay sapagka't noong unang pagkakataong si Gumpal ay kinunan ng salaysay ay ipinaalam na sa kaniya ang mga nauukol na karapatan niya, hindi na kailangan o kalabisan na ang gayong paliwanag ay ulitin pa sa kaniya noong muli siyang magsalaysay noong Pebrero 3, 1974.

Inaari Naming tumpak ang paninindigang ito ng mga Piskal at ng Solicitor General. Totoo nga na dapat laging igalang at pairalin ang mga karapatan ng mga mamamayan na nasasaad sa Saligang Batas, sapagka't ang mga karapatang iyan ay siyang nagbibigay ng kabuluhan at dangal sa buhay ng tao. Ang minimithing kalayaan at kaligayahan ng bawat mamamayan ay hindi maaaring maging tunay at ganap habang ang alin man sa mga karapatang iyan ay ipinagkakait sa kanya. Sa katunayan, walang bayan at pamahalaang maaaring magtagumpay at umunlad nang hindi gumagalang sa mga karapatan ng mga mamamayan. At sa buong daigdig, ang pinakamahalagang simulain sinusunod ng lahat ng bansa ay ang pagpipitagan at pagsasanggalang sa mga karapatang pantao (human rights).

Subali't, una, sa usaping Aming pinapasiyahang ito, hindi maaaring sabihin na ang sumiyasat kay Gumpal at kumuha ng kaniyang salaysay na pinaglalabanan dito ay hindi tumupad sa ipinag-uutos ng Saligang Batas, sapagka't batay sa mga pangyayaring naipaliwanag na sa itaas, Kami ay naniniwala na ang mga babalang ipinabatid kay Gumpal ni Constable Jaime Senin nang siya ay kinunan ng salaysay ay sapat na upang maunawaan niya bago siya nagbigay ng naturang salaysay na siya ay mayroon ngang karapatang magsawalangkibo, bagaman ito ay hindi niya ginamit.

Pangalawa, ang mga karapatan ng mga mamamayan na natatala sa Saligang Batas (sa Bill of Rights) ay hindi mga

paraan upang ang isang tunay na may pagkakasala na labag sa batas ay makaligtas sa nararapat na pagdurusa. Ang tunay na layunin ng mga tadhanang iyon ng Saligang Batas ay walang iba kungdi tiyakin na sinumang nililitis ay magkaroon ng sapat na pagkakataon at paraan na maipagtanggol ang sarili, bukod sa pagbabawal ng pagtanggap ng katibayan (evidence) laban sa kaniya na bunga ng pagpipilit, dahas at iba pang paraang labag sa kaniyang kalooban.

Alinsunod sa mga paliwanag na ito, Aming pinawawalan ng bisa ang kautusan ni Hukom Donato na idinadaing sa kahilingan ng mga Piskal, at Aming ipinag-uutos na ang salaysay ni Gumpal, na may tatak "Exhibit C", ay maaaring tanggaping katibayan sa pagpapatuloy ng litis laban sa kanya. Nguni't ang kapasiyahang ito ay hindi nangangahulugan na si Gumpal ay hinahatulan na Namin na may pagkakasala. Ang bagay na iyan ay ang Hukumang Unang Dulugan ang dapat na unang magpasiya pagkatapos ng paglilitis sa kaniya.

Wala nang magbabayad pa ng kostas ng usaping ito.

Fernando, (Chairman), Antonio, Aquino, Concepcion, Jr., and Santos, JJ., concur.

ANNEX "A"

SWORN STATEMENT OF JAIME GUMPAL Y CADAYAN TAKEN BY CIC JAIME C. SENIN AT THE HEADQUARTERS OF THE 116th PC COMPANY, SANTIAGO, ISABELA IN THE PRESENCE OF TSGT HONN COLSION WHICH WAS TAKEN IN TAGALOG DIALECT THAT AFFIANT COULD FULLY UNDERSTAND AND TRANSLATED INTO ENGLISH THIS 3rd DAY OF FEBRUARY, 1974.

X ----- X

The affiant was apprised of his constitutional rights and explained to him the nature of this investigation, warned him that anything he may state herein may be used for or against him in any Court proceedings, he was also advised that he has the right to secure legal assistance and/or Counsel de Oficio before answering questions propounded to him, and after having him sworn to an oath, affiant testifies as follows:

QUESTION:- Do you swear to give your voluntary statement and to tell the truth and nothing but the truth in this investigation?

ANSWER: Yes, sir.

Q- Will you state your name, age and other personal circumstances?

A- JAIME GUMPAL Y CADAUAN, 20 years old, single, resident at the Isabela State College of Agriculture, Echague, Isabela and resident of Barrio Carulay same town.

Q- Do you know why you are here at the headquarters of the 116th PC Company here at Santiago, Isabela?

A- I am presently detained here sir for being a suspect in the killing of a tricycle driver sir.

Q- Since when have you been detained this headquarters?

A- Since November 28, 1973 up to the present, sir.

Q- Do you remember if you have given any statement in connection with your being a suspect in the killing of a tricycle driver?

A- Yes, sir. I have already executed an affidavit at this headquarters?

Q- Did you confess in your previous statement that you were the one who perpetrated the killing?

A- I denied sir.

Q- Why did you deny are you not really the one who killed said tricycle driver?

A- At first I denied sir, because the bail bond is not yet ready but in fact I was really the one who killed said tricycle driver.

Q- When you say that you were the one who killed said tricycle driver, why is it that it is only now that you revealed?

A- Because my uncle-in-law, whose nickname is Rudy, who is the husband of my auntie Terry Ibarra, reported to this Headquarters and revealed my secret sir and besides my bail bond is already ready.

Q- What is your secret that your uncle Rudy revealed, if you know?

A- He revealed that I was the one who killed the tricycle driver sir.

Q- Do you know how your Uncle Rudy came to know that you were the one who killed the tricycle driver?

A- He may probably learned from my father sir.

Q- Do you mean to say your father knows that you were really the one who did the killing?

A- Yes, my father knows sir, because I revealed to him at the time he fetched me up at the house of my Auntie at Calabayan, Angadanan, Isabela.

Q- Could you explain why you killed the tricycle driver?

A- Because he refused to bring me to Echague, Isabela and I was drunk at the time?

Q- What weapon did you use in killing the tricycle driver?

A- Scissor sir, I used only one part of the part of a scissor.

Q- Where did you put said weapon that you used?

A- I buried it under the ground near the toilet at Calabayan Angadanan, Isabela in the residence of my Auntie Andrea Cadauan.

Q- What time approximately when you killed the tricycle driver?

A- More or less 8:00 o'clock in the evening of November 26, 1973.

Q- How did you kill said tricycle driver?

A- I stabbed him once in his stomach sir.

Q- How did you stab said tricycle driver?

A- I stabbed him by the use of my left hand sir. He was then driving the tricycle while I was inside the sidecar.

Q- What did you do just after stabbing the tricycle driver?

A- I immediately run away, sir.

Q- Where did you proceed?

A- I proceeded northward passing through ricefield then I went directly to Carulay, Echague, Isabela and I spent the whole night in our house then early in the morning I proceeded to my boarding house at Silauan, Norte, Echague, Isabela; then I finally proceeded to the house of my Auntie Andrea at Calabayan, Angadanan, Isabela.

Q- What is your attire when this incident happened particularly when you stabbed the tricycle driver?

A- Blue pants, white polo shirt and a pair of slippers.

Q- In your previous statement, you stated that on the same night when the killing of tricycle driver transpired, you slept in the house of your Auntie Pacing Carreon at Santiago, Isabela, is that true?

A- It is not true, sir because in fact I did not go to the house of my Auntie Pacing that same night.

Q- Do you know if anybody have ever seen you at the time you a fled from the scene of the crime at Carulay, Echague, Isabela?

A- Yes, sir. I could remember that I had asked a group of about eight (8) persons at Quezon, San Isidro, Isabela where is the house Remedios Batarao who is a relative of my mother.

Q- Do you have something more to add in your statement?

A- No more sir.

Q- Are you willing to sign your statement under oath, wit I being coerced, harm, intimidated nor promised any reward?

A- Yes, sir.

(SGD.) JAIME C. GUMPAL

(Affiant)

SUBSCRIBED AND SWORN to before me this 4th February, 1974, Santiago, Isabela, Philippines.

(SGD.) EMILIO R. GOMBIO

Municipal Judge

A TRUE COPY:

(SGD.) LUIS Z. ZIPASANG

Clerk of Court

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