

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
LORENZO CANDAVA AND TEOFILO DE LA PEÑA,
DEFENDANTS-APPELLANTS.**

G.R. No. L-18517. March 31, 1964

Ponente: CONCEPCION, J.

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CONCEPCION, J.:

Defendants Lorenzo Candava and Teofilo de la Pena are accused of murder. After due trial, under a plea of not guilty, the Court of First Instance of Oriental Mindoro rendered a decision convicting them as charged and sentencing each of them to life imprisonment, with the corresponding accessory penalties, to indemnify the heirs of the deceased, Melecio Manebo, in the sum of P6,000, and to pay the costs. Said defendants seek & review of this decision by appeal.

The record shows that on December 1, 1957, at about 10:00 p.m., Melecio Manebo died in the road of the barrio of Bungahan, Calapan, Oriental Mindoro, in consequence of a gunshot wound he sustained in the right temporal region. The evidence for the prosecution, apart from the testimony of the municipal health officer who examined the body of the deceased, consists mainly of the appellants' confessions Exhibit A and B and the testimony of the Justice of the Peace of Calapan before whom said confessions were subscribed and sworn to.

In his confession Exhibit A, dated March 31, 1958, defendant De la Pena stated, that on December 1, 1957, at about 7:00 p.m., his friend Lorenzo Candava went to his (De la Pena's) house in the barrio of Pajo, Calapan, Oriental Mindoro, and invited him to go somewhere; that, while they were walking past the schoolhouse in Canubigan, Calapan, Candava revealed that he intended to kill a bigger man who had bested him in a love affair and beaten him in a fist fight; that, upon reaching Bungahan, Calapan, at about 10:00 p.m., they saw Eligio Manebo coming in the opposite direction; that thereupon Candava told him that this was the man he was angry at, and then, placing himself beside Manebo, forthwith drew out his (Candava's home-made gun (paltik) and fired at him (Manebo); that as Manebo fell down, Candava placed the gun beside him(Manebo) and then they ran away; and that, at the time of the occurrence, they were being followed by Quirino de la Pena, Engracio Ceasar, Leonardo Luzon, Benito Aruyo and Felix Fallaria, although these five (5) persons were not near Candava and the affiant.

Said Exhibit A, corroborated substantially Candava's confession Exhibit B, dated March 29, 1958, except that Candava denied having been a rival of the deceased for the love of a woman and asserted that he merely acted out of spite, because the deceased had quarrelled with him.

Upon the other hand, appellants contend that their respective confessions had been obtained through duress, and have set up alibis.

De la Pena testified that on March 26, 1958, at about 2:00 a.m., he was arrested in a hill of Pajo, Calapan, by local policemen, who beat him with coconut midribs, the end of which were afire, because of which his shirt and body were burned in many parts; that, upon arrival at the municipal building, he was maltreated, in the office of the

chief of police, by other policemen, who kicked him, gave fist blows on his abdomen, and then poured water into his nose; that when he could no longer endure further suffering, he yielded to their demands and on March 31, 1958, he subscribed the statement Exhibit A and swore to the truth thereof, before the Justice of the Peace of Calapan, whom he did not inform of the maltreatment visited upon him; that from November 29 to December 4, 1957, he was in the barrio of Labunan, Bongabon, Oriental Mindoro, where he had gone with his Barents to make the necessary arrangements for his forthcoming marriage to his fiancée; that said barrio is over 100 kilometers away from that of Bungabon, Calapan, where Melecio Manebo was killed; and he is innocent of the crime charged.

Likewise, defendant Candava pleaded innocence, and asserted that he was arrested on March 26, 1958, at midnight, in the house of his landlord Apolonio Sandoval, in Balingayan, Calapan; that since his arrival at the municipal building of Calapan, he was "continuously maltreated", at night time, by policemen and members of the Constabulary, who wanted him to admit his participation in the commission of several offenses, including the killing of Melecio Manebo; that said peace officers ordered him to drink water from a ditch and even submerged his head into said water; that they, also, gave him fist blows and placed bullets between his fingers and then pressed the same; that, moreover, they slapped, boxed and kicked him on the ears and gave him fist blows on the abdomen, sometimes in the presence of the barrio lieutenant; that having thereby suffered extreme pain and sustained several contusions, he eventually agreed to do what he was told, and accordingly, Exhibit B was subscribed and sworn to by him before the Justice of the Peace of Calapan; and that, from November 2, to December 23, 1957, he was in the municipality of Gamao (although he did not know that the same is in the province of Batangas), in connection with the partition of a land inherited by his father and a brother of the latter, Alfonso Candava, and the execution of a deed of partition which he (defendant Candava) signed on behalf of his father.

However, De la Pena did not introduce any evidence whatsoever in corroboration of his alibi, not even the testimony of his parents who, he said, were with him in the barrio of Labunan, Bongabon, Oriental Mindoro, in connection with his projected wedding, or that of Mabini Firmalo, in whose house they allegedly stayed in Labunan, or the testimony of Alberto Almazon and Braulio de la Pena, who, according to said defendant, accompanied him when he allegedly returned home, coming from Labunan, on December 4, 1958.

Similarly notwithstanding the fact that Alfonso Candava with whom defendant Candava claims to have been in Gamao, Batangas, when Melecio Manebo was killed in Bungahan, Calapan, on December 1, 1957—was in the courtroom during the trial of defendants herein, the defense did not put him (Alfonso Candava) on the witness stand. The alibi of defendant Candava could have been strongly corroborated by the deed of partition he allegedly executed in Gamo, but said instrument was not produced by the defense.

As a consequence, defendants' alibis are devoid of any corroboration, despite the fact that ample corroborative evidence could have been availed of by the defense, if its contention were true.

Again, defendants' testimony regarding the duress allegedly used to secure their respective confessions is, also, ancorroborated. What is more, none of the persons who visited them during their detention saw any of the contusions they allegedly sustained, in consequence of the terrific beating they claim to have taken from the peace officers who investigated them, and who denied the truth of such claim. In this connection, we note, also, that, in his affidavit Exhibit A, De la Pena said that one of the reasons given by Candava for his determination to kill Manebo was that he (Candava) had lost to the latter in a given love affair, whereas Candava denied in his confession Exhibit B that he had such issue with Manebo, although he (Candava) confirmed De la Pena's statement that he (Candava) wanted to kill Maiiebo because of a fist fight they had had before. It seems clear that, had the extrajudicial confession been obtained thru violence and intimidation, those who prepared said documents

would have seen to it that each devetailed fully with the other.

WHEREFORE, we are satisfied that said confessions were voluntarily made and that the lower court did not err in giving no credence to the uncorroborated and incredible testimony of defendants herein, and that, accordingly, the decision appealed from should be, as it is hereby, affirmed, with costs against said defendants.

IT IS SO ORDERED.

Padilla, Bautista Angelo, Labrador, Reyes, Barrera, Paredes, Dizon, Regala and Makalintal, JJ., concur.
Bengzon, C.J., took no part.

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