

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ROMEO MANALANG Y OCON, ACCUSED.

G.R. Nos. L-47136-39. July 25, 1983

Ponente: PER CURIAM: Mandatory review of the decision of the Circuit Criminal Court of Rizal imposing on Romeo Manalang y Ocon the death penalty in each of four murder cases, Criminal Cases Nos. CCC-2169-72-Rizal. In the late afternoon of August 11, 1977, four (4) persons were found dead by police investigators in the house at No. 126 San Francisco St., Plainview, Mandaluyong, Metro Manila. The body of Maria Lourdes Shih was in her bedroom, naked from the waist down. The bodies of Rosita Shih (sexagenarian) and Joy Angelique Shih, a five-year old child, were found in the adjoining room; while that of Hilda Pomida, housemaid, was found in her quarters. All four were victims of stabbing. As would later be revealed by necropsy reports, Maria Lourdes Shih bore twenty-four stab wounds; Rosita Shih, two stab wounds; Joy Angelique Shih, four stab wounds and Hilda Pomida, twenty-one stab wounds. Earlier, at about 4:00 o'clock in the afternoon, Teresita Estonatoc, resident of a house adjacent to the Shihs, heard shouts of "Huwag Romy" or "huwag mommy" coming from the direction of the Shih residence. She went out of her house and saw Romeo Manalang y Ocon, whom she knew because Romeo had previously stayed with the Shihs for about three years, come out of the door and then go back to the Shih house. Sensing something wrong, Estonatoc went to her neighbor's driveway, peeped through the wire screen, and saw Maria Lourdes Shih lying face up in the sala in a pool of blood. When she saw Romeo come out of Maria Lourdes' room carrying a towel, she ran back to her house and ordered her son, Gerardo, to call the police. Gerardo then ran to the Municipal Hall and informed the policemen thereat that somebody had been beaten up (binugbog) in a nearby house. The two policemen who first arrived knocked at the gate of the Shih residence. When no one responded, they asked Teresita Estonatoc what she had seen. Upon being told that Maria Lourdes was lying on the floor full of blood, they summoned assistance. Five other policemen responded. One of them, Pfc. Ruben Baluyot, a police investigator, interviewed Estonatoc, after which the policemen forced their way into the Shih residence where they saw the bodies of the four victims. Investigation followed. Fingerprints were taken and a sketch of the place was made. Two knives, one bloodstained, were given to Pfc. Baluyot by Pat. Fortunato Capacillo, one of the two policemen who first arrived at the scene. Pat. Capacillo had earlier found these knives at the scene of the crimes. Interviewed further, Teresita Estonatoc identified Romeo Manalang as the only male person in the Shih residence at about the time the crimes took place; and she narrated how she saw Romeo in the house of the Shihs. At about 3:45 o'clock in the morning of the following day, August 12, 1977, Romeo Manalang y Ocon was apprehended at the construction site of a project of one Engr. Rivera at Tambo, Parañaque, Rizal, by police operatives headed by Capt. Romeo Peña, Chief of the Special Operations Division of the Southern Police District. Recovered from Romeo were a Cal. 22 Smith and Wesson revolver with 6 live ammunition, 30 extra live ammunition, four hundred seventy-one pesos in different denominations, and Maria Lourdes Shih's other personal belongings such as pictures and ID cards. Romeo Manalang was brought to the Office of Captain Peña where he executed a six-page extra-judicial confession narrating in detail how and why he killed his four victims. In the afternoon of August 12, 1977, Romeo Manalang reenacted the crimes in the presence of Capt. Peña, Mandaluyong Police Investigators and Asst. Provincial Fiscal Francisco Ibay, with some women posing as victims. No less than thirty-four pictures of the reenactment, depicting the details of the killing, were taken. The extrajudicial confession of Romeo Manalang, in Tagalog, is replete with all the horrid details of the killing. Synthesized, the confession states: Romeo Manalang y Ocon was twenty-three years old and residing with his mother in Caloocan when he committed the crimes. He had long planned to kill Rosita Shih (first cousin of his father but whom he called "Lola") and Maria Lourdes Shih, whom he called "Marilou", and he went to their house on August 11, 1977 precisely for that purpose. Previously, in 1970, he was brought by his mother to the Shih household so that the family could have a male companion and he had deeply resented the fact that during the three years that he stayed with them, he was treated like a mere houseboy and not as a relative. Marilou promised to get a driver's license

for him and to have him taught driving, but the promise remained unfulfilled. He was made to watch the cars of family guests, wait on the family members like a servant ("para akong alila"), fed left-overs, and was cursed at the slightest mistake- "putang ina mo" or at times "tak naido mo". He had planned to kill Rosita and Marilou even when he was yet living with them but he could not muster enough courage. He left the household full of resentment over the treatment he had received. When Romeo went to the Shih residence on August 11, 1977, he had come from Odeon Theatre where he saw an English film. The housemaid (Hilda) let him in. He went straight to the kitchen and took some coffee. At that time, only Lola, the child and the housemaid were in the house. The child was sleeping in Lola's bedroom. Lola asked him (the accused) why he was there when she first saw him, but when she came back after having gone to her bedroom, she scolded him, recalling that he (Romeo) even left the door open when he left the Shih house years back. When Lola turned her back, Romeo drew near, got a kitchen knife and stabbed the old woman. Lola ran to her room but Romeo followed and further stabbed her. When Romeo went out of the room, the maid suddenly appeared shouting "saklolo". Romeo stabbed her to keep her silent ("para hindi marinig ng mga kapitbahay"). The maid ran towards her quarters but Romeo overtook her. Romeo then continued to stab the maid until she was silent. Romeo went back to Lola's room still holding the knife. He found the child crying. He also stabbed the girl to death. Thereafter, he waited for Ate Malou, who was then out of the house. Some time later, Malou arrived. With the knife concealed at his back, he opened the gate for Maria Lourdes Shih. She asked him why he was there, and then went straight to the house. He was following behind. When Malou reached the house, he continuously stabbed her, cursing "Tang ina mo, ngayon lang ako makakaganti sa iyo". After Malou fell, Romeo dragged her into her bedroom. Thereat, he removed Malou's pants and panty and, having stripped her naked from the waist down, placed a pillow under her buttocks thus exposing the woman's genitals. Romeo then went to the faucet and washed his hands and feet. After getting Maria Lourdes' wallet and key holder from her bag which he emptied on a sofa, Romeo went to the intersection of Boni Avenue and the Hi-way (EDSA), boarded a bus and went to the construction site where he was apprehended by the police. In his statement, the accused admitted getting from Marilou's bag the following items which were with him when he was arrested: the Smith and Wesson revolver, extra ammunition, black holster, P459.00, Marilou's IDs, key holder and Chinese good luck charm. Romeo Manalang was charged before the Circuit Criminal Court of Rizal with murder in four separate informations which read- In Criminal Case No. CCC-VII-2169 - Rizal - "That on or about the 11th day of August, 1977, in the municipality of Mandaluyong, Metro Manila, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with intent to kill, evident premeditation and treachery to the person of one Rosita Shih and armed with a kitchen knife, did, then and there willfully, unlawfully and feloniously attack, assault, and stab said Rosita Shih, thereby inflicting upon the latter stab wounds on the different parts of her body which directly caused her death. "Contrary to law and with additional aggravating circumstances of dwelling of the offended and disregard of the respect due the offended party on account of her age who is already sixty (60) years old." In Criminal Case No. CCC-VII-2170-Rizal- "That on or about the 11th day of August, 1977, in the Municipality of Mandaluyong, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with intent to kill, evident premeditation and treachery to the person of one Hilda Pomida and armed with a kitchen knife, did, then and there willfully, unlawfully and feloniously attack, assault and stab said Hilda Pomida thereby inflicting upon the latter stab wounds on the different parts of her body which directly caused her death. "Contrary to the law and with the additional aggravating circumstance that the crime was committed in the dwelling of the offended party." In Criminal Case No. CCC-VII-2171-Rizal- "That on or about the 11th day of August, 1977, in the municipality of Mandaluyong, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with intent to kill, evident premeditation and treachery to the person of one Joy Angelique Shih and armed with a kitchen knife, did, then and there willfully, unlawfully and feloniously attack, assault and stab said Joy Angelique Shih thereby inflicting upon the latter stab wounds on the different parts of her body which directly caused her death. "Contrary to law and with the additional aggravating circumstance that the crime was committed in the dwelling of the offended party," In Criminal Case No. CCC-VII-2172-Rizal- "That on or about the 11th day of August 1977, in the municipality of Mandaluyong, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with intent to kill, evident premeditation and treachery to the person of one Maria Lourdes Shih and armed with a kitchen knife, did, then and there willfully, unlawfully and feloniously attack, assault and stab said Maria

Lourdes Shih thereby inflicting upon the latter stab wounds on the different parts of her body which directly caused her death." "Contrary to law and with the additional aggravating circumstance that the crime was committed in the dwelling of the offended party." Arraigned in all four cases of murder, Romeo Manalang, duly assisted by three counsels de oficio pleaded guilty, although advised of the consequences and effects of a plea of guilty. Thereafter, a joint trial was conducted. The prosecution presented Police Capt. Romeo Peña who testified on the search for, and apprehension and confession of Romeo Manalang, and the reenactment of the crimes during which Romeo further explained how he killed the deceased. Capt. Peña identified and explained the photographs taken during the reenactment, and narrated the statements made by Romeo as the latter went through the whole process. The following also testified: Teresita Estonatoc who saw Romeo Manalang in the house of the Shihs at about the time the four murders were committed, identifying him as the person whom she saw coming out of Maria Lourdes Shih's room as the latter lay full of blood and gasping for breath in the living room; Police investigator Ruben Baluyot who was with the team which entered the Shih house and found the four victims, and Maximo Reyes, the NBI medico-legal officer who conducted the post mortem examination of the cadavers and testified on the number, location and gravity of the wounds inflicted. After trial, the lower court convicted the accused and sentenced him as follows: "Wherefore, in view of the spontaneous and voluntary confession of guilt made by accused Romeo Manalang y Ocon, the Court finds him guilty beyond reasonable doubt of the crime of violation of Art. 248 of the Revised Penal Code, and hereby sentences him to suffer one death penalty for each of criminal cases Nos. CCC-VII-2169-Rizal, 2170, 2171, and 2172-Rizal; to indemnify the heirs of the victims, Mrs. Rosita Shih, Hilda Pomida, Joy Angelique Shih, and Ma. Lourdes Shih the amount of P12,000.00 in each of the above-cited criminal cases; to pay moral damages in the amount of P5,000.00 in each of the aforementioned four criminal cases, and another P5,000.00 as exemplary damages in each of the above-entitled cases and to pay the costs." After a review of the records of the four cases, we affirm the decision of the trial court, subject to the modifications hereafter indicated. There can hardly be any doubt that the accused was responsible for the killing of Rosita Shih, Hilda Pomida, Joy Angelique Shih and Ma. Lourdes Shih. He was the only person at the scene of the crime when the mass killing took place - while one of the victims was still gasping for breath on the throes of death. Within twelve hours thereafter, he was arrested with various personal items belonging to one of the victims, which admittedly he took after killing her (Maria Lourdes Shih). He admitted authorship of the crimes in his extrajudicial confession where he narrated horrible details that only the killer could have known and which were found to jibe with the physical facts found by police investigators at the scene of the crime. Thus, in his extrajudicial confession, he disclosed the number of people he had killed and their names, the house where he killed them, the weapon that he used in committing the crimes, the manner of killing, and the precise parts of the Shih house where the killings took place. The accused even disclosed that after killing Maria Lourdes Shih, he dragged her into her room, undressed her, and placed a pillow under her buttocks. (Hinubaran ko po siya ng pantalon at panty tapos ay nilagyan ko ng unan ang puwit niya ... para mapahiya po siya kung may makakakita ng "ari" niya.) See extra-judicial confession and Exhibit "U". The extrajudicial confession was followed by the reenactment of the crimes during which the accused narrated the gruesome details of his misdeed. This was later affirmed in his voluntary plea of guilty, made with the assistance of counsel de oficio, followed by the taking of evidence to establish beyond reasonable doubt the circumstances surrounding the killings and the authorship thereof. In the four informations charging the accused of murder, treachery, evident premeditation and dwelling were uniformly alleged. They were all found by the trial court to have been established beyond doubt. Rosita Shih was stabbed suddenly and unexpectedly from behind as she was moving from the accused after a brief conversation with the latter and was about to go to the bathroom. (TSN p. 58; Exhibit "L-2"; Extra-judicial confession, answer to question No. 53.) Maria Lourdes Shih was similarly stabbed by the accused after lulling her into complacency by masking his evil design as he opened the gate for her, hiding the murder weapon behind his back so that his intended victim would not suspect his evil intent. The five-year old child was stabbed by the accused after putting her on bed. (Exhibits L-10 and L-11.) However, the attack on Hilda, the maid, was unplanned. The accused instinctively stabbed her as he was about to leave the room of his first victim (Rosita), when Hilda suddenly appeared at the door and shouted "saklolo", which impelled the accused to strike her at that very instance to keep her silent. We hold there was no treachery in the killing of Hilda. (People v. Cañete, 44 Phil. 478; People vs. Calinawan, 83 Phil. 647.) Thus, except as to Hilda, the trial court correctly appreciated treachery as a qualifying circumstance. Similarly, dwelling was correctly considered by the trial court as an

[illegible]

. . . Court; All right, present any mitigating circumstance. Atty. Galvan: We present the accused now, your Honor. Court: Swear him in. . . Court: What mitigating circumstance will you present? Atty. Galvan: According to this accused, he was not in his complete senses when he committed the killings, and he might be insane, your Honor, and so, we will not be prevented to present our evidence. Fiscal Angeles: Why did he plead guilty? Court: Is that mitigating or aggravating circumstance under Article 13 or 14 of the Revised Penal Code. Atty. Galvan: Insanity, your Honor. Court: It is not mitigating. Atty. Galvan: We will submit to the sound discretion of the court, your Honor. Court: Submitted." (TSN, August 16, 1977, pages 20-22, *Italics supplied.*)

The trial court in the exercise of its discretion thus correctly did not allow appellant to testify on his alleged insanity, while maintaining his plea of guilty. Moreover, under Art. 12 of the Revised Penal Code, insanity, as an exempting circumstance, means that the accused must have been deprived completely of reason and freedom of the will at the time of the commission of the crime. The execution of the crimes perpetrated by appellant Manalang, as well as his acts subsequent thereto (within 24 hours following the killing), including his narration of the events and his reenactment thereof, clearly indicate that he was in full possession of his faculties. It is quite true that mass killing will not be done by a normal person, but the abnormality inherent in the taking of human life is not the kind of abnormality that will exclude imputability. Summarizing, we find the accused guilty of the following crimes: Murder of Rosita Shih - qualified by treachery and aggravated by evident premeditation, dwelling and disrespect on account of age. Murder of Maria Lourdes Shih - qualified by treachery and aggravated by evident premeditation, dwelling and ignominy. Murder of Joy Angelique Shih - qualified by treachery and aggravated by dwelling. Homicide of Hilda Pomida, aggravated by dwelling. Plea of guilty should however be appreciated in all the foregoing crimes as a mitigating circumstance. WHEREFORE, we affirm the decision of the trial court sentencing appellant Manalang to death for each of the murders of Rosita Shih and Maria Lourdes Shih. For the killing of Joy Angelique Shih, we find the appellant guilty of murder, with dwelling as an aggravating circumstance offset by his plea of guilty, and sentence him to suffer the penalty of reclusion perpetua. For the killing of Hilda Pomida, we find the appellant guilty only of homicide, attended by the aggravating circumstance of dwelling which is offset by his plea of guilty, and sentence him to twelve years of prision mayor as minimum to seventeen years and four months of reclusion temporal as maximum. Costs de oficio. SO ORDERED. Concepcion Jr., Guerrero, Abad Santos, Melencio-Herrera, Plana, Escolin, Vasquez, Relova and Gutierrez, Jr., JJ., concur. Fernando, C.J., concurs in the dissent. Teehankee, J., files a separate concurring opinion. Aquino, J., concurs in separate opinion. Makasiar, J., dissents in separate opinion. De Castro, J., concurs in the dissent of Justice Makasiar. CONCURRING OPINION TEEHANKEE, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/282e1dcc1d36/>

PER CURIAM:

Mandatory review of the decision of the Circuit Criminal Court of Rizal imposing on Romeo Manalang y Ocon the death penalty in each of four murder cases, Criminal Cases Nos. CCC-2169-72-Rizal.

In the late afternoon of August 11, 1977, four (4) persons were found dead by police investigators in the house at No. 126 San Francisco St., Plainview, Mandaluyong, Metro Manila. The body of Maria Lourdes Shih was in her bedroom, naked from the waist down. The bodies of Rosita Shih (sexagenarian) and Joy Angelique Shih, a five-year old child, were found in the adjoining room; while that of Hilda Pomida, housemaid, was found in her quarters. All four were victims of stabbing. As would later be revealed by necropsy reports, Maria Lourdes Shih bore twenty-four stab wounds; Rosita Shih, two stab wounds; Joy Angelique Shih, four stab wounds and Hilda Pomida, twenty-one stab wounds.

Earlier, at about 4:00 o'clock in the afternoon, Teresita Estonatoc, resident of a house adjacent to the Shihs, heard shouts of "Huwag Romy" or "huwag mommy" coming from the direction of the Shih residence. She went out of her house and saw Romeo Manalang y Ocon, whom she knew because Romeo had previously stayed with the Shihs for about three years, come out of the door and then go back to the Shih house. Sensing something wrong, Estonatoc went to her neighbor's driveway, peeped through the wire screen, and saw Maria Lourdes Shih lying face up in the sala in a pool of blood. When she saw Romeo come out of Maria Lourdes' room carrying a towel, she ran back to her house and ordered her son, Gerardo, to call the police. Gerardo then ran to the Municipal Hall and informed the policemen thereat that somebody had been beaten up (binugbog) in a nearby house.

The two policemen who first arrived knocked at the gate of the Shih residence. When no one responded, they asked Teresita Estonatoc what she had seen. Upon being told that Maria Lourdes was lying on the floor full of blood, they summoned assistance. Five other policemen responded. One of them, Pfc. Ruben Baluyot, a police investigator, interviewed Estonatoc, after which the policemen forced their way into the Shih residence where they saw the bodies of the four victims.

Investigation followed. Fingerprints were taken and a sketch of the place was made. Two knives, one bloodstained, were given to Pfc. Baluyot by Pat. Fortunato Capacillo, one of the two policemen who first arrived at the scene. Pat. Capacillo had earlier found these knives at the scene of the crimes. Interviewed further, Teresita Estonatoc identified Romeo Manalang as the only male person in the Shih residence at about the time the crimes took place; and she narrated how she saw Romeo in the house of the Shihs.

At about 3:45 o'clock in the morning of the following day, August 12, 1977, Romeo Manalang y Ocon was apprehended at the construction site of a project of one Engr. Rivera at Tambo, Parañaque, Rizal, by police operatives headed by Capt. Romeo Peña, Chief of the Special Operations Division of the Southern Police District. Recovered from Romeo were a Cal. 22 Smith and Wesson revolver with 6 live ammunition, 30 extra live ammunition, four hundred seventy-one pesos in different denominations, and Maria Lourdes Shih's other personal belongings such as pictures and ID cards.

Romeo Manalang was brought to the Office of Captain Peña where he executed a six-page extra-judicial confession narrating in detail how and why he killed his four victims.

In the afternoon of August 12, 1977, Romeo Manalang reenacted the crimes in the presence of Capt. Peña, Mandaluyong Police Investigators and Asst. Provincial Fiscal Francisco Ibay, with some women posing as victims. No less than thirty-four pictures of the reenactment, depicting the details of the killing, were taken.

The extrajudicial confession of Romeo Manalang, in Tagalog, is replete with all the horrid details of the killing. Synthesized, the confession states:

Romeo Manalang y Ocon was twenty-three years old and residing with his mother in Caloocan when he committed the crimes. He had long planned to kill Rosita Shih (first cousin of his father but whom he called "Lola") and Maria Lourdes Shih, whom he called "Marilou", and he went to their house on August 11, 1977 precisely for that purpose.

Previously, in 1970, he was brought by his mother to the Shih household so that the family could have a male companion and he had deeply resented the fact that during the three years that he stayed with them, he was treated like a mere houseboy and not as a relative. Marilou promised to get a driver's license for him and to have him taught driving, but the promise remained unfulfilled. He was made to watch the cars of family guests, wait on the family members like a servant ("para akong alila"), fed left-overs, and was cursed at the slightest mistake- "putang ina mo" or at times "tak naido mo". He had planned to kill Rosita and Marilou even when he was yet living with them but he could not muster enough courage. He left the household full of resentment

over the treatment he had received.

When Romeo went to the Shih residence on August 11, 1977, he had come from Odeon Theatre where he saw an English film. The housemaid (Hilda) let him in. He went straight to the kitchen and took some coffee. At that time, only Lola, the child and the housemaid were in the house. The child was sleeping in Lola's bedroom. Lola asked him (the accused) why he was there when she first saw him, but when she came back after having gone to her bedroom, she scolded him, recalling that he (Romeo) even left the door open when he left the Shih house years back. When Lola turned her back, Romeo drew near, got a kitchen knife and stabbed the old woman. Lola ran to her room but Romeo followed and further stabbed her. When Romeo went out of the room, the maid suddenly appeared shouting "saklolo". Romeo stabbed her to keep her silent ("para hindi marinig ng mga kapitbahay"). The maid ran towards her quarters but Romeo overtook her. Romeo then continued to stab the maid until she was silent. Romeo went back to Lola's room still holding the knife. He found the child crying. He also stabbed the girl to death. Thereafter, he waited for Ate Malou, who was then out of the house. Some time later, Malou arrived. With the knife concealed at his back, he opened the gate for Maria Lourdes Shih. She asked him why he was there, and then went straight to the house. He was following behind. When Malou reached the house, he continuously stabbed her, cursing "Tang ina mo, ngayon lang ako makakaganti sa iyo". After Malou fell, Romeo dragged her into her bedroom. Thereat, he removed Malou's pants and panty and, having stripped her naked from the waist down, placed a pillow under her buttocks thus exposing the woman's genitals.

Romeo then went to the faucet and washed his hands and feet. After getting Maria Lourdes' wallet and key holder from her bag which he emptied on a sofa, Romeo went to the intersection of Boni Avenue and the Hi-way (EDSA), boarded a bus and went to the construction site where he was apprehended by the police.

In his statement, the accused admitted getting from Marilou's bag the following items which were with him when he was arrested: the Smith and Wesson revolver, extra ammunition, black holster, P459.00, Marilou's IDs, key holder and Chinese good luck charm.

Romeo Manalang was charged before the Circuit Criminal Court of Rizal with murder in four separate informations which read-

In Criminal Case No. CCC-VII-2169 - Rizal -

"That on or about the 11th day of August, 1977, in the municipality of Mandaluyong, Metro Manila, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with intent to kill, evident premeditation and treachery to the person of one Rosita Shih and armed with a kitchen knife, did, then and there willfully, unlawfully and feloniously attack, assault, and stab said Rosita Shih, thereby inflicting upon the latter stab wounds on the different parts of her body which directly caused her death.

"Contrary to law and with additional aggravating circumstances of dwelling of the offended and disregard of the respect due the offended party on account of her age who is already sixty (60) years old."

In Criminal Case No. CCC-VII-2170-Rizal-

"That on or about the 11th day of August, 1977, in the Municipality of Mandaluyong, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with intent to kill, evident premeditation and treachery to the person of one Hilda Pomida and armed with a kitchen knife, did, then and there willfully, unlawfully and feloniously attack, assault and stab said Hilda Pomida thereby inflicting upon the latter stab wounds on the different parts of her body which directly caused her death.

"Contrary to the law and with the additional aggravating circumstance that the crime was committed in the dwelling of the offended party."

In Criminal Case No. CCC-VII-2171-Rizal-

"That on or about the 11th day of August, 1977, in the municipality of Mandaluyong, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with intent to kill, evident premeditation and treachery to the person of one Joy Angelique Shih and armed with a kitchen knife, did, then and there willfully, unlawfully and feloniously attack, assault and stab said Joy Angelique Shih thereby inflicting upon the latter stab wounds on the different parts of her body which directly caused her death.

"Contrary to law and with the additional aggravating circumstance that the crime was committed in the dwelling of the offended party,"

In Criminal Case No. CCC-VII-2172-Rizal-

"That on or about the 11th day of August 1977, in the municipality of Mandaluyong, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with intent to kill, evident premeditation and treachery to the person of one Maria Lourdes Shih and armed with a kitchen knife, did, then and there willfully, unlawfully and feloniously attack, assault and stab said Maria Lourdes Shih thereby inflicting upon the latter stab wounds on the different parts of her body which directly caused her death."

"Contrary to law and with the additional aggravating circumstance that the crime was committed in the dwelling of the offended party."

Arraigned in all four cases of murder, Romeo Manalang, duly assisted by three counsels de oficio pleaded guilty, although advised of the consequences and effects of a plea of guilty. Thereafter, a joint trial was conducted. The prosecution presented Police Capt. Romeo Peña who testified on the search for, and apprehension and confession of Romeo Manalang, and the reenactment of the crimes during which Romeo further explained how he killed the deceased. Capt. Peña identified and explained the photographs taken during the reenactment, and narrated the statements made by Romeo as the latter went through the whole process. The following also testified: Teresita Estonatoc who saw Romeo Manalang in the house of the Shihs at about the time the four murders were committed, identifying him as the person whom she saw coming out of Maria Lourdes Shih's room as the latter lay full of blood and gasping for breath in the living room; Police investigator Ruben Baluyot who was with the team which entered the Shih house and found the four victims, and Maximo Reyes, the NBI medico-legal officer who conducted the post mortem examination of the cadavers and testified on the number, location and gravity of the wounds inflicted.

After trial, the lower court convicted the accused and sentenced him as follows:

"Wherefore, in view of the spontaneous and voluntary confession of guilt made by accused Romeo Manalang y Ocon, the Court finds him guilty beyond reasonable doubt of the crime of violation of Art. 248 of the Revised Penal Code, and hereby sentences him to suffer one death penalty for each of criminal cases Nos. CCC-VII-2169-Rizal, 2170, 2171, and 2172-Rizal; to indemnify the heirs of the victims, Mrs. Rosita Shih, Hilda Pomida, Joy Angelique Shih, and Ma. Lourdes Shih the amount of P12,000.00 in each of the above-cited criminal cases; to pay moral damages in the amount of P5,000.00 in each of the aforementioned four criminal cases, and another P5,000.00 as exemplary damages in each of the above-entitled cases and to pay the costs."

After a review of the records of the four cases, we affirm the decision of the trial court, subject to the modifications hereafter indicated.

There can hardly be any doubt that the accused was responsible for the killing of Rosita Shih, Hilda Pomida, Joy Angelique Shih and Ma. Lourdes Shih. He was the only person at the scene of the crime when the mass killing took place - while one of the victims was still gasping for breath on the throes of death. Within twelve hours thereafter, he was arrested with various personal items belonging to one of the victims, which admittedly he took

after killing her (Maria Lourdes Shih). He admitted authorship of the crimes in his extrajudicial confession where he narrated horrible details that only the killer could have known and which were found to jibe with the physical facts found by police investigators at the scene of the crime. Thus, in his extrajudicial confession, he disclosed the number of people he had killed and their names, the house where he killed them, the weapon that he used in committing the crimes, the manner of killing, and the precise parts of the Shih house where the killings took place. The accused even disclosed that after killing Maria Lourdes Shih, he dragged her into her room, undressed her, and placed a pillow under her buttocks. (Hinubaran ko po siya ng pantalon at panty tapos ay nilagyan ko ng unan ang puwit niya ... para mapahiya po siya kung may makakakita ng "ari" niya.) See extra-judicial confession and Exhibit "U".

The extrajudicial confession was followed by the reenactment of the crimes during which the accused narrated the gruesome details of his misdeed. This was later affirmed in his voluntary plea of guilty, made with the assistance of counsel de oficio, followed by the taking of evidence to establish beyond reasonable doubt the circumstances surrounding the killings and the authorship thereof.

In the four informations charging the accused of murder, treachery, evident premeditation and dwelling were uniformly alleged. They were all found by the trial court to have been established beyond doubt.

Rosita Shih was stabbed suddenly and unexpectedly from behind as she was moving from the accused after a brief conversation with the latter and was about to go to the bathroom. (TSN p. 58; Exhibit "L-2"; Extra-judicial confession, answer to question No. 53.) Maria Lourdes Shih was similarly stabbed by the accused after lulling her into complacency by masking his evil design as he opened the gate for her, hiding the murder weapon behind his back so that his intended victim would not suspect his evil intent. The five-year old child was stabbed by the accused after putting her on bed. (Exhibits L-10 and L-11.) However, the attack on Hilda, the maid, was unplanned. The accused instinctively stabbed her as he was about to leave the room of his first victim (Rosita), when Hilda suddenly appeared at the door and shouted "saklolo", which impelled the accused to strike her at that very instance to keep her silent. We hold there was no treachery in the killing of Hilda. (People v. Cañete, 44 Phil. 478; People vs. Calinawan, 83 Phil. 647.)

Thus, except as to Hilda, the trial court correctly appreciated treachery as a qualifying circumstance.

Similarly, dwelling was correctly considered by the trial court as an aggravating circumstance inasmuch as the killings were perpetrated without provocation in the sanctity of the home of the four victims.

The aggravating circumstance of evident premeditation was present in the killing of Rosita Shih and Maria Lourdes Shih. As admitted by the accused, he went to the Shih house precisely to kill Rosita (Lola) and Maria Lourdes (Marilou).

"Tanong:

Sinabi mo na napatay mo sila sa bahay ni Marilou Shih, bakit ka naman nagpunta sa bahay nila?

Sagot:

Kasi po ay balak ko na po patayin iyang dalawa, sina Lola at Marilou.

.....

T:

Kailan mo naman binalak na patayin si Lola at si Marilou?

S:

Mahigit na pong tatlong taon kong binabalak.

T:

Ano naman ang dahilan at pinagbabalakan mong patayin ang dalawang ito?

S:

Dahil sa gusto ko pong makaganti sa inabot kong hirap sa kanila.

T:

Anong klaseng paghihirap naman ang inyong tinutukoy na siyang dahilan para mo sila pagbalakan na patayin?

S:

Dahil sa halos ay hindi na po ako makatulog sa bahay, lahat po ng trabaho ay ako ang gumagawa at saka malimit po ay hinihiya nila ako sa harap ng mga tao.

.....

T:

Noong tumira ka na sa kanila, ano naman ang nangyari doon?

S:

Iyon nga po, ako po ay hindi nila tinarato na kamag-anak kundi katulong at pagpupunta ang nanay ko roon ay saka lamang maganda ang pakita nila sa akin ngunit pagkakaalis ay minamaltrato po ako.

T:

Anong klaseng pagmamaltrato naman ang ginagawa sa iyo ng mga ito, ang ibig sabihin ay ni Lola at Marilou?

S:

Yon po na pagka-may bisita sila ay pinagbabantay ako ng mga kotse sa labas, tapos po sinisilbihan ko sila na para akong alila, tapos sa pagkain ay malimit tira-tira lamang ang pinakakain sa akin, minsan ang ulam ay tatlong araw ng luto ilalagay lamang sa freezer at ang kanin maski lamig ipinakakain sa amin, sa kaunting pagkakamali ay sinasaktan nila ako at minumura ako ng "PUTANG INA MO" minsan murang kapangpangan na "TAK NAIDO MO" tapos pati ang mga kapatid ko ay sinasabi nila ng masasama at halos po ay araw araw ay ginagawa nila sa akin ito.

T:

Noon bang mangyari na sila ay pinatay mo, ikaw ba ay nakatira sa kanila?

S:

Hindi po.

T:

Saan ka naman nakatira ng mangyari and mga bagay na ito?

S:

Doon po sa Caloocan sa Nanay ko.

T:

Kailan ka naman umalis sa bahay nina Marilou?

S:

May dalawang taon na po, kasi dalawang pasko na wala ako sa kanila.

T:

Bale ilan taon ka namang nakatira sa bahay ni Marilou?

S:

Mahigit pong tatlong taon.

T:

Sinabi mo kanina na tatlong taon mo nang binalak na patayin itong mga taong ito, kailan ito nagsimula, noong ikaw ay nakatira pa sa kanila o noong ikaw ay nakaalis na?

S:

Noong nakatira pa po ako sa kanila, mga ikalawang taon ko roon.

T:

Bakit hindi mo naman naisagawa ang balak mong ito sa kanila noong ikaw ay nasa kanila pa?

S:

Wala pa po akong lakas ng loob noon." (Extrajudicial confession, page 2.)

The words of the accused while he was stabbing Maria Lourdes Shih were revealing:

"T:

Ano naman ang ginawa mo ng siya (Marilou) ay nasa upisina na niya?

S:

Doon ko na nga po siya pinagsasaksak at habang sinasaksak ko siya ay minumura ko siya ng "TANG INA MO, NGAYON LANG AKO MAKAKAGANTI SA IYO" tapos bumagsak po siya at tapos ay hinila ko siya sa kuarto niya." (Ibid., p. 4)

While the foregoing circumstances establish evident premeditation as regards the killing of Maria Lourdes and Rosita Shih, they negate the presence thereof in the killing of Hilda Pomida and Joy Angelique Shih, against whom the accused had no standing grudge.

The killing of Rosita Shih was attended by disrespect due her on account of her age, she being a sexagenarian.

As to the killing of Maria Lourdes, the same was also characterized by ignominy, as above depicted.

Appellant contends that the trial court should have allowed him to testify in order to determine the extent of his criminal liability. This is a mis-statement. For the trial court indeed gave the appellant a chance to prove any mitigating circumstance. However, when the trial court realized that what appellant wanted to prove was insanity, which in effect would amount to a withdrawal of his plea of guilty, the court did not allow the appellant to take the witness stand.

"Court

You will not present any evidence? [referring to the counsel (of the accused)].

Atty. Galvan

We will, your Honor.

Court

What?

Atty. Galvan

The accused, your honor.

Court

But, why?

Fiscal Angeles

Are you withdrawing your plea of guilty?

Atty. Galvan

No.

Fiscal Angeles

Then, what, for what purpose?

Atty. Galvan

It is our right. Since this is a capital offense, and the accused is entitled to explain himself, your Honor.

Court

But he pleaded guilty and that is already absorbed, so what do you want?

Atty. Galvan

There might be some mitigating circumstances.

.....

Court

All right, present any mitigating circumstance.

Atty. Galvan

We present the accused now, your Honor.

Court

Swear him in.

.....

Court

What mitigating circumstance will you present?

Atty. Galvan

According to this accused, he was not in his complete senses when he committed the killings, and he might be insane, your Honor, and so, we will not be prevented to present our evidence.

Fiscal Angeles

Why did he plead guilty?

Court

Is that mitigating or aggravating circumstance under Article 13 or 14 of the Revised Penal Code.

Atty. Galvan

Insanity, your Honor.

Court

It is not mitigating.

Atty. Galvan

We will submit to the sound discretion of the court, your Honor.

Court

Submitted." (TSN, August 16, 1977, pages 20-22, Italics supplied.)

The trial court in the exercise of its discretion thus correctly did not allow appellant to testify on his alleged insanity, while maintaining his plea of guilty. Moreover, under Art. 12 of the Revised Penal Code, insanity, as an exempting circumstance, means that the accused must have been deprived completely of reason and freedom of the will at the time of the commission of the crime. The execution of the crimes perpetrated by appellant Manalang, as well as his acts subsequent thereto (within 24 hours following the killing), including his narration of the events and his reenactment thereof, clearly indicate that he was in full possession of his faculties. It is quite true that mass killing will not be done by a normal person, but the abnormality inherent in the taking of human life is not the kind of abnormality that will exclude imputability.

Summarizing, we find the accused guilty of the following crimes:

- Murder of Rosita Shih - qualified by treachery and aggravated by evident premeditation, dwelling and disrespect on account of age.
- Murder of Maria Lourdes Shih - qualified by treachery and aggravated by evident premeditation, dwelling and ignominy.
- Murder of Joy Angelique Shih - qualified by treachery and aggravated by dwelling.
- Homicide of Hilda Pomida, aggravated by dwelling.

Plea of guilty should however be appreciated in all the foregoing crimes as a mitigating circumstance.

WHEREFORE, we affirm the decision of the trial court sentencing appellant Manalang to death for each of the murders of Rosita Shih and Maria Lourdes Shih. For the killing of Joy Angelique Shih, we find the appellant guilty of murder, with dwelling as an aggravating circumstance offset by his plea of guilty, and sentence him to suffer the penalty of reclusion perpetua. For the killing of Hilda Pomida, we find the appellant guilty only of homicide, attended by the aggravating circumstance of dwelling which is offset by his plea of guilty, and sentence him to twelve years of prision mayor as minimum to seventeen years and four months of reclusion temporal as maximum. Costs de oficio.

SO ORDERED.

Concepcion Jr., Guerrero, Abad Santos, Melencio-Herrera, Plana, Escolin, Vasquez, Relova and Gutierrez, Jr., JJ., concur.

Fernando, C.J., concurs in the dissent.

Teehankee, J., files a separate concurring opinion.

Aquino, J., concurs in separate opinion.

Makasiar, J., dissents in separate opinion.

De Castro, J., concurs in the dissent of Justice Makasiar.

CONCURRING OPINION

TEEHANKEE, J.:

I concur with the judgment affirming inter alia the supreme penalty of death. I write this brief concurrence only to express my conformity also with Part V of Mr. Justice Makasiar's dissenting opinion to the effect that the extrajudicial confession obtained by the police from the accused on August 12, 1977 (one day after the commission of the crimes) without the assistance of counsel nor a clear and intelligent waiver thereof is patently inadmissible under the mandate of section 20 of the Bill of Rights (Article IV) of the Constitution.

As I stressed in my separate opinion in *Magtoto vs. Manguera* (63 SCRA 4, 29), the plain mandate of the Constitution expressly adopting the exclusionary rule as the only practical means of enforcing the constitutional injunction against such confessions obtained in violation of one's constitutional rights by outlawing their admission and thereby removing the incentive on the part of state and police officers to disregard such rights (in the same manner that the exclusionary rule bars admission of illegally seized evidence) should be strictly enforced.

The separate dissent of the late Chief Justice Fred Ruiz Castro in that case that the 1973 constitutional ban on uncounselled confessions should operate retrospectively to June 15, 1954 when Republic Act 1083 (amending

Article 125 of the Revised Penal Code) was enacted recognizing the right of a detained person to counsel in any custodial inquest, and not prospectively only as to such confessions obtained after the effectivity of the 1973 Constitution, bears repeating: "(I) hold no brief against custodial interrogation per se. But I do entertain mortal fear that when a detained person is subjected, without the assistance of counsel, to custodial interrogation by peace officers, official lawlessness could be the rule and not the exception. Witness the innumerable cases in the annals of adjudication where this Court has set at naught and declared inadmissible confessions obtained from detained persons thru official lawlessness. It is a verity in the life of our nation that people without influence and without stature in society have, more often than not, been subjected to brutal and brutalizing third-degree methods, if not actually framed, by many police agencies in this country. Instead of blinking our eyes shut to this reality, we must recognize it for what it is, (and) I am completely conscious of the need for a balancing of the interests of society with the rights and freedoms of the individual. I have advocated the balancing-of-interests rule in all situations which call for an appraisal of the interplay of conflicting interests of consequential dimensions. But I reject any proposition that would blindly uphold the interests of society at the sacrifice of the dignity of any human being."

Even disregarding the invalid confession, however, the record clearly establishes the guilt of the accused. As stated in the Court's decision (at page 11), the accused subsequently made a judicial confession of his guilt and entered a voluntary plea of guilty, with the due assistance of counsel de officio, "followed by the taking of evidence to establish beyond reasonable doubt the circumstances surrounding the killings and the authorship thereof."

CONCURRING OPINION

AQUINO, J.:

I concur. It should be observed that by pleading guilty the accused waived any objection to the admissibility of his extrajudicial confession (taken during custodial interrogation) under Section 20, Article IV of the Constitution.

DISSENTING OPINION

MAKASIAR, J.:

I. This case should be remanded to the court of origin to enable the appellant to submit proof of his alleged insanity. It was patent error for the trial court to refuse his offer to testify to prove insanity, not just as a mitigating but as an exempting circumstance, on the tenuous ground that said proof of insanity was in effect a withdrawal of his plea of guilty. The accused has the right to change his plea of guilty to one of not guilty. As a matter of fact, the Judge should have entered the plea of not guilty when the accused offered to testify to prove insanity as the same is inconsistent with and therefore a repudiation of his earlier plea of guilty.

It should be noted that the accused apparently suffered persecution at the cruel hands of two of the victims who were his blood relatives, whom he was serving but who treated him not as a close kin but as a plain houseboy and who did not have second thoughts about feeding the accused with overnight left-overs and humiliating him in front of strangers or their guests.

Insanity can occur just before and during the commission of the crime. The appellant could have blacked out mentally when, after taking coffee in the kitchen, he was berated for no reason at all by his aunt, his mother's cousin, whom he called "Lola."

II. The stabbing of the victims was provoked by the unexpected scolding he received from his aunt whom he called "Lola"; hence, it should be considered as a mitigating circumstance under paragraph 4 of Article 13, Revised Penal Code insofar as the killing of his "Lola" is concerned. Thus, where the accused was ill-treated and abused by the victim, who thereby provoked the accused to stab him, unlawful provocation as a mitigating circumstance was considered and appreciated in favor of the accused (*People vs. Basalo*, 53 Phil. 940; *US vs. Firmo*, 37 Phil. 133).

III. The records reveal that for about three (3) years [from 1970 when his mother brought him to the Shih household so that the family could have a male companion], he was subjected to such persecution by his own relatives who treated him as a mere servant. While it is true that he nurtured a desire for vengeance after three (3) years of such treatment and abuse, causing him to leave the house of the victims and go back to his mother in Caloocan City, there is no evidence nor indication that he persisted on his intention to kill his "Lola" and Marilou; because if he did intend a premeditated killing, he would have brought with him a lethal weapon for the purpose when he returned to the house that afternoon of the incident, around four years after he left the Shih household in 1973. It was only when his "Lola" verbally abused him again that he looked for a kitchen knife with which he stabbed her and subsequently the other victims. It is thus apparent that the accused returned to the victim's house without murder in his heart not any resolution to kill the herein victims.

That the accused in his extrajudicial confession stated that he had long planned to kill Rosita (his "Lola") and Marilou, does not necessarily justify a finding and an appreciation of the aggravating circumstance of evident premeditation for the basic reason that there is no admission nor evidence that on that fateful afternoon when accused went back to the victim's house, he had already resolved and persisted to kill the victims. As aforesaid, such positive resolution to kill on his part is negated by the fact that he went to the victims' house unarmed. So, while there was treachery in the killing of his "Lola" and her five-year old grandchild, there was no evident premeditation.

It should be stressed that in 1970, the accused was brought by his mother to the all female Shih family so that the latter would have a male companion. He left the Shih household in 1973 because he could no longer endure the humiliation he was subjected to by Marilou and her mother, his mother's cousin. For about three years from 1970 until he left the Shih family in 1973, he nurtured the desire to kill the Shih family. But during that period of three years, he never carried out his intention to kill; so it can be safely assumed that when he left in 1973, he had no more desire to inflict harm on the victims. And during the period of four years from 1973 until 1977 when he was no longer with the Shih family, it is improbable that he would still entertain the idea of wreaking vengeance on the Shih family for the indignities he suffered at their hands. On the contrary, time is a great healer, and lack of contact with the Shihs for about four years must have defused his anger with and dissipated his desire for vengeance against them. As a matter of fact, there is nothing in the record indicating that he has schemed and planned various means or ways by which he could effectively avenge his injured pride and dignity during that period of four years. There is no hint in the record that he was ever in the vicinity of or visited the Shih household at any time during that period of four years before that tragic afternoon of 1977 when the incident occurred. As heretofore stated, he was unarmed when he returned to the Shih household in 1977, expecting or hoping for a more humane attitude from the Shih family. But his expectation or hope was shattered by the insult he received from his aunt or "Lola."

However, there was neither treachery nor evident premeditation in the killing of the housemaid.

IV. Likewise, there was no treachery insofar as the fourth victim, Marilou, is concerned. For at the time Marilou arrived, the accused had already killed his three victims with a total of 27 stab wounds -- two (2) on Rosita, four (4) on her grandchild, and twenty-one (21) on the housemaid and all of them had wounds in the thoracic region

(see Necropsy reports, pp. 45, 47, 49, CCC rec.; p. 45, t.s.n.). Considering the nature and location of the wounds of the victims and the manner by which the same were inflicted by the accused, accused at that point of time was already bathed in blood spurting from the wounds of the three victims, thus soaking his clothing. As a matter of fact, there are testimonies in the record indicative of the above physical appearance and condition of the accused. For one, a witness testified that he saw a person at the place of the crime whom he believed to be the accused, at around five o'clock in the afternoon apparently without a shirt on and wearing a pair of shorts (see pp. 27-28, t.s.n.). And as per accused himself; "77. T. Ano naman ang ginawa mo matapos na siya ay mahubaran mo at malagyan ng unan? S. Lumabas na po ako ng kuarto at tuloy-tuloy ako sa gripo at naghugas ako ng kamay at paa. . ." 79. T - Matapos na ikaw ay makapaghugas ng kamay, ano pa ang ginawa mo sa loob ng bahay? S - Kinuha ko po ang pantalon ko at nagbihis na ako dahil sa naka-'short' ako ng pang-'basketball' na kulay itim, nagpalit po ako ng T-shirt na kulay puti na 'three fourths.' . ." (pp. 35-36, t.s.n.).

Such physical condition and appearance of the accused could not have escaped the eyes of Marilou at the time the accused opened the gate for her; hence, she must have been forewarned of the evil intention of the accused. As a matter of fact, she was able to shout, "Huwag, Romy, huwag, Romy" at the time she was stabbed repeatedly by the accused (pp. 14-15, CCC rec.).

Consequently, treachery should not be appreciated in the killing of Marilou.

V. But more importantly, the alleged confession executed by the accused was signed by him without the assistance of counsel. The crimes were committed on August 11, 1977 and the aforesaid confession of the accused was made on the next day, August 12, 1977. Hence, the accused is entitled to the right to counsel during his custodial investigation -- a right afforded for the first time by the 1973 Constitution. Thus, under Section 20 of Article IV of the aforesaid Constitution, ". . . any person under investigation for the commission of an offense shall have the right to remain silent and to counsel, and to be informed of such right. . . . Any confession obtained in violation of this section shall be inadmissible evidence."

While it is true that there was no objection to the admissibility of the same at the trial, nor was this assigned as an error on this automatic appeal, it behooves this Tribunal to accord respect to such constitutional right of the accused now expressly provided for in the supreme law of the land. For it must be stressed that courts are not constricted in their review of criminal convictions by the assigned errors.

It is basic that in appeals in criminal cases, more so those involving the capital penalty as in this instant case, the entire record is thrown open for review.

The record is bereft of any indication that, while he might have been informed of his right to be silent and to counsel, his waiver of such right was an intelligent one. As delineated by the incumbent Chief Justice in the case of *People vs. Caguioa* (95 SCRA 2, 9, 10 [1980]), "(A)s far back as *Abriol vs. Homeres* (84 Phil. 525), a 1949 decision, decided under the 1935 Constitution, which did not contain a provision similar to Section 20 which adopted the *Miranda* doctrine, this Court, through Justice Ozaeta, relying on the leading American case of *Johnson vs. Zerbst* (304 US 458), made clear that while there could be a waiver of the rights of an accused, it must be intelligently waived, otherwise a court's jurisdiction starting at the beginning of the trial may be lost in the course of the proceeding (84 Phil. 525, 531). The landmark opinion of *Miranda vs. Arizona* (384 US 436), decided in 1966, as noted above, the source of this constitutional provision, emphasized that statements made during the period of custodial interrogation to be admissible require a clear intelligent waiver of constitutional rights, the suspect being warned prior to questioning that he has a right to remain silent, that any utterance may be used against him, and that he has the right to the presence of a counsel, either retained or appointed. In the language of Chief Justice Warren: 'Our holding will be spelled out with some specificity in the pages which

follow, but briefly stated, it is this: the prosecution may not use statements, whether exculpatory or inculpatory, stemming from custodial interrogation of the defendant unless it demonstrates the use of procedural safeguards effective to secure the privilege against self-incrimination. By custodial interrogation, we mean questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his freedom of action in any significant way. As for the procedural safeguards to be employed, unless other fully effective means are devised to inform accused persons of their right of silence and to assure a continuous opportunity to exercise it, the following measures are required. Prior to any questioning, the person must be warned that he has a right to remain silent, that any statement he does make may be used as evidence against him, and that he has a right to the presence of an attorney, either retained or appointed. The defendant may waive effectuation of those rights, provided the waiver is made voluntarily, knowingly, and intelligently. If, however, he indicates in any manner and at any stage of the process that he wishes to consult with an attorney, before speaking, there can be no questioning. Likewise, if the individual is alone and indicates in any manner that he does not wish to be interrogated, the police may not question him. The mere fact that he may have answered some questions or volunteered some statements on his own does not deprive him of the right to refrain from answering any further inquiries until he has consulted with an attorney and thereafter consents to be questioned' Ibid, 44-445."

In the case at bar, Exhibit "A", accused Romeo Manalang's six-page extrajudicial confession is prefaced by a "PALIWANAG," thus:

"IKAW, ROMEO MANALANG Y OCON AY NARITO NGAYON SA HIMPILAN NG SPECIAL OPERATIONS DIVISION DAHIL SA IKAW AY INIIMBESTIGAHAN TUNGKOL SA KASONG MARAMIHANG PAGPATAY, NAIS KONG IPAALAM SA IYO NA AYON SA ATING UMIIRAL NA SALIGANG BATAS AY KARAPATAN MO NA IKAW AY MANAHIMIK AT HUWAG SUMAGOT SA MGA ITATANONG KO SA IYO; AT KARAPATAN MO RIN NA IKAW AY KUMUHA NG ABUGADONG GUSTO NA SIYA MONG MAKAKASAMA HABANG IKAW AY INIIMBESTIGAHAN AT KARAPATAN MO NA MALAMAN ANG MGA BAGAY NA ITO PARA MAPAGISIP-ISIP MO KUNG NAIS MONG MAGBIGAY NG SALAYSAY DITO SA AMIN, NAUNAWAAN MO BA ITO?

"SAGOT: OPO. (Sgd.) Romeo Manalang.

"GUSTO MO BA NA IKAW AY KUMUHA NG ABOGADO?

"SAGOT: Hindi na po.

"MAGBIBIGAY KA BA NG SALAYSAY DITO SA AMIN?

"SAGOT: OPO.

And after propounding one hundred fourteen (114) questions which elicited from the accused his confession through his answers thereto, the investigator asked this last question, thus: "115. T: Ipinaalam ko ulit sa iyo na ang mga sinabi mo rito ay tatanggapin naming totoo, at ito ay maaari naming gamitin laban sa iyo sa hukuman, ikaw ba ay nakahandang lumagda rito matapos na ito ay mabasa mo at maunawaan? S: Opo."

The aforesaid warning given by the investigator to accused Manalang does not conform to the suggested procedure procedural safeguards earlier stated for the following reasons: first, before accused was subjected to incriminatory questioning, he was not warned by the investigator "that any utterance may be used against him." In the subject confession, the indispensable warning was given not prior to, but after the questioning; and second, the investigator did not advise the accused that if he cannot financially afford a lawyer, the government will provide one for him. As emphatically emphasized in *Miranda*, "He must be warned prior to any questioning that he has the right to remain silent, that anything he says can be used against him in a court of law, that he has the right to the

presence of an attorney, and that if he cannot afford an attorney one will be appointed for him prior to any questioning if he so desires" (p. 478, *Italics supplied*).

Moreover, the aforesaid warning was simply mechanically given that it could not have been meant to inform the accused of his sacred constitutional rights thus negating that accused was made to understand said rights by his investigator. In the words of Justice Abad Santos, "... the advice given ... was nothing but a formality, an empty ritual. To the investigator it was a lip-service compliance with what was ordinarily expected of him. To the person investigated, it was but another question, perfunctorily calling for a response" (*People vs. Dilao*, 100 SCRA 389 [1980]).

It must be further noted that accused who was then 23 years old, a housepainter, and who barely finished the fourth grade, was arrested by elements of the Special Operations Division of the Southern Police District, Metropolitan Police Force, a day after the commission of the crime or on August 12, 1977 at around 3:50 in the early morning at Imelda Avenue, Tambo, Parañaque, Metro Manila; and thereafter brought to the Headquarters in Ft. Bonifacio, Metro Manila, where he was subjected to custodial investigation up to around 8:00 or 9:00 A.M., resulting in his extrajudicial confession, which was taken beginning 6:00 A.M. of the same day (pp. 32, 56-58, CCC rec.; pp. 8, 13, t.s.n.). Then he was turned over by the aforesaid elements of the Special Operations Division to the Investigation Division, Headquarters, Southern Police District-MPF, Police Station 5, at Mandaluyong, Metro Manila, which thereafter conducted a reenactment of the crime on the same day at around 1:30 or 2:00 P.M. (p. 43, CCC rec.; p. 14, t.s.n.).

It should be recalled that the accused is a construction worker (painter). He was awakened early in the morning at 3:50 A.M. by the police officers and subjected to intensive interrogation thereafter for about two hours and one-half until he broke down, ostensibly because of physical exhaustion aggravated by lack of sleep. Such circumstances negate that the confession was freely and intelligently given.

During his custodial investigation and subsequent confession, aside from the investigator, there were around three or four "operatives." The accused was alone when grilled. In the reenactment, Fiscal Ibay and elements of the Special Operations Division, Southern Police District, Ft. Bonifacio, and from the Mandaluyong Police Force were present, aside from several women who were used in the reenactment. In both instances, no lawyer nor relatives of the accused were present. And accused was not informed of his constitutional rights before reenactment was done (pp. 13-16, t.s.n.).

VI. Furthermore, there is no intimation in the records that accused gave a provident plea of guilty. To begin with, the questioned decision of conviction simply stated that "When accused Romeo Manalang y Ocon was arraigned in all these four criminal cases, pursuant to Section 1, Rule 116 of the New Rules of Court, in relation to Rule 118 thereof, he, being duly assisted by counsel de officio, Attys. Jose O. Galvan, Luisito Sardillo and Felimon Koh, pleaded Guilty. Hence, mandatory presentation of evidence followed, in pursuance to the doctrine laid down by the Supreme Court in the case of 'Ricardo versus Villaluz' . . . The accused, Romeo Manalang, was apprised of the consequences as well as the effect of his plea of guilty; that he may get the supreme penalty of death in all the four cases, but he insisted on pleading guilty" (p. 6, rec.). But the transcript of stenographic notes in its first page merely stated that "duly assisted by Atty. Felimon Koh in the abovementioned cases pleaded guilty" and followed by: "COURT: Are you waiving your right? ATTY. KOH: "Yes, sir."

Consequently, it cannot be determined with objectivity whether the trial judge performed his duty of insuring that the accused in making a plea of guilty fully understood the nature of the charges preferred against him and the character of the punishment provided by law before it is imposed. For the essence of a plea of guilty in criminal trial is that the accused admits his guilt freely, voluntarily and with full knowledge of the consequences and

meaning of his act, and with a clear understanding of the precise nature of the crime charged in the complaint or information.

Likewise, whether the accused at the time he entered his plea of guilty had a clear understanding of the technical terms "with evident premeditation" and "treachery", cannot be ascertained. For as stated in *People vs. Gungab* (64 Phil. 779, 782-783), "It is true that the aggravating circumstances in question are alleged in the information but, judging from the testimony of the accused, the latter must not have understood the true extent of his plea of guilty in the sense that he admitted not only having hacked his wife with a bolo but also having done so with premeditation and treachery. Taking into consideration the ignorance of the accused, it is neither just nor reasonable to assume that he had understood the allegation that 'the aggravating circumstances of treachery and premeditation were present in the commission of the crime,' inasmuch as 'treachery' and 'premeditation' are highly technical terms the juridical meaning of which is beyond the understanding not of the illiterates alone but even of those who, being educated, are not lawyers. Under the circumstances of the present case, this court cannot, without being unjust, hold that the accused-appellant, in pleading guilty upon arraignment, admitted not only having killed his wife but also having done so with premeditation and treachery."

On page 27 of the transcript, appears this manifestation:

"ATTY. SARDILLO:

"For the records, when the accused was arraigned by this Honorable Court, Atty. Galvan, Sardillo, and Koh explained to the said accused the meaning of arraignment in tagalog, which he understands and then after arraignment the same counsels explained to him the meaning of the charge in Tagalog in which the accused have fully understood. And then the information was read to him by the Interpreter also in Filipino."

The foregoing statement of counsel de oficio does not assure the trial Judge that the essential elements of the crime including the qualifying and aggravating circumstances have been explained to the accused. It was the duty of the trial Judge, not counsel de oficio, to explain in detail the meaning of the terms employed in the information and the inevitable effect of the plea of guilty thereto.

In view of all the foregoing, the case should be remanded for re-trial to give the accused an opportunity to prove insanity and some extenuating circumstances.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.