

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
RENATO ORTILLA Y PANGANIBAN, DEFENDANT-APPELLANT.***G.R. No. L-31653. May 18, 1984*

Ponente: RELOVA, J.

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About 11:00 in the evening of July 22, 1969, a tragic occurrence took place at Magsaysay Boulevard, Sta. Mesa, Manila, when a loud explosion rocked the facade of the building housing the Thomas Jefferson Memorial Library. It was caused by a hand grenade which bored a small crater on the pavement. As the smoke cleared, Rodolfo Carlos y Salazar laid prostrate on the ground, dead. Cause of death was "shock and hemorrhage due to multiple sharpnel wounds on the right arm, chest and lower extremities with laceration on the lungs and muscles." (Exhibits B, B-1 & D).

Thereafter, Manila Police Department operatives picked up accused Renato Ortilla y Panganiban at his residence at 3181 Mariano Street, Sta. Mesa, Manila, for questioning. He was brought to the MPD headquarters at Isaac Peral Street (now United Nations Avenue) where during the investigation, he denied any participation in the "grenade throwing" incident. Because he had then a blackeye on his right eye, he explained that he was mauled on July 20, 1969 by Ladislao Garcia, Rolando Reyes and one Bentot.

Detective Wenceslao Sunga, a neighbor of accused Ortilla, arrived, vouched for the latter and promised to produce him anytime when needed. Ortilla was released until July 26, 1969 when he was again picked up by the police who believed that he was really involved in the "grenade throwing" incident. Upon interrogation, he admitted in his own handwriting, consisting of two pages, to have thrown the grenade at the Thomas Jefferson Memorial Lib-rary (Exhibit G), with two (2) annexes, also in his own handwriting one, a sketch showing how he committed the crime (Exhibit G-1) and the other, a drawing of the form of the grenade he used (Exhibit G-2). He also executed another statement (Exhibit H) in question and answer form. All these statements were subscribed and sworn to before Manila Assistant City Fiscal Ricardo Conjares and witnessed by one Atty. Noiles and Miss Ester Magbag, stenographer of Fiscal Conjares.

From these statements executed by accused Renato Ortilla, it appears that on July 20, 1969, the latter was mauled by Ladislao Garcia, Rolando Reyes and Bentot. On July 22, 1969, at about 11:00 in the eve-ning, accused Ortilla saw Ladislao Garcia in front of the Jefferson Memorial Library. He went home, got the hand grenade and returned to the library. He hid behind the wall of a building near the Kentucky restaurant and from there he threw the hand grenade at the direct-ion of Ladislao Garcia. He ran away and heard the explosion while in flight. The person found dead after the grenade throwing was not Ladislao Garcia but his friend Rodolfo Carlos.

An information for murder (Criminal Case No. CCC-V-1345) was filed against Renato Ortilla y Panganiban, as follows:

"That on or about the 22nd day of July, 1969, at nighttime, purposely sought to better accomplish his criminal design, did then and there willfully, unlawfully and feloniously, with intent to kill and with evident

premeditation, treachery, and by means of explosion, attack, assault and use personal violence upon the person of Rodolfo Carlos y Salazar, by then and there suddenly and treacherously throwing at the latter a handgrenade causing the same to explode, thereby inflicting upon the said Rodolfo Carlos y Salazar mortal wounds which were the direct and immediate cause of his death." (page 1, Records).

After trial, the then Circuit Criminal Court of Manila rendered judgment finding accused Renato Ortila y Panganiban guilty beyond reasonable doubt "as principal of the crime of murder qualified by the use of explosive and there being proven the aggravating circumstance of treachery without any mitigating circumstance to consider, sentence him to DEATH, to indemnify the heirs of the victim herein Rodolfo Carlos y Salazar the sum of P12,000.00; P10,000.00 by way of moral damages suffered and another P10,000.00 by way of exemplary damages and to pay the costs."

The plea of accused-appellant Renato Ortila for the reversal of his conviction is based on insufficiency of evidence as the confessions attributed to him were involuntary and there was no testimonial evidence to justify the finding that he was guilty of the crime charged. Appellant claims that he was not at the scene of the crime before, during and after the fatal explosion. Appellant and his witnesses declared that between 9:00 and 10:00 in the evening of July 22, 1969 he was in the house of Detective Sunga at Peling Street, asking advice from the latter regarding the mauling incident which he suffered in the hands of Ladislao Garcia and his companions. After an hour or so he went to a wake and stayed there for about twenty minutes. He then went in front of the house of Aling Teresa and conversed with her and Mang Kulas. They were conversing when they heard a loud explosion. They inquired from each other where the explosion came from. Mang Kulas and he (appellant) went to the direction where they heard the sound until they reached the Jefferson Library. There they saw the victim, Rodolfo Carlos y Salazar, his boyhood friend, prostrate on the ground. After staying for about half an hour, Ortila returned in front of Aling Teresa's house and they talked about the incident. Some neighbors then invited him for a cup of coffee and thereafter, he went home.

Further, appellant claims that when the police took him from his house again on July 26, 1969 he was tortured or maltreated and intimidated into signing Exhibits G, G-1, G-2 & H. While he was being investigated, he was blindfolded and hit several times in the different parts of his body, at one time made to lie down and then water poured on his face. Regarding the maltreatment he suffered at the hands of the police investigators, he testified, as follows:

"Q You said that you were brought to a place which you did not know and then you were stamped and kicked, what happened next?

A I was told to sit down, sir. And my arms were tied.

Q Was there anything which happened to you after you were stamped and kicked?

A They pushed me on my chest and also on my lips and they also boxed me on my private parts.

Q How many times was it done to you?

A Three times, sir.

Q What did you feel?

A It was painfull, sir.

Q You also said that you were blindfolded with a towel with the policemen pouring water into your nostrils, can you demonstrate to the court how you were blindfolded with a towel?

Interpreter:

Witness demonstrating how his face was covered with a towel.

Q While you were thus covered with a towel and they were pouring water into your nostrils – I withdraw that question. What else happened to you?

A They were shocking my mouth, sir.

Q What else happened to you while in that position?

A Somebody was riding on my stomach, sir.

(TSN. August 25, 1969 hearing, page 11.)

His declaration received confirmation from a competent and neutral source, Dr. Mariano Lara, then Chief of the Medico-Legal Division of the Manila Police Department, who examined appellant on July 30, 1969. Dr. Lara submitted a report (Exhibit 2) of his examination on appellant, to wit:

"(5) Also externally are found the following marks and/or complaints:

(a) A brownish linear mark about 4 cm. x 0.2 cm. faintly visible transversely across the anterior lower right arm.

(b) A similar brownish linear, two (2) parallel marks or impression as of a band, about 5 cm. long x 1.5 cm. apart, located in the anterior lower left arm.

(c) Spotty brownish mark's, multiple two (2) in the anterior left wrist and two (2) in the dorso-medial right wrist, averred by him to be prior impression made by handcuff applied around his wrist.

(d) Subject complains of pain in the anterior right chest, anterior aspect of the neck, and in the postero-lateral neck, but there are no swelling or color changes."

(page 62, Records)

That the above injuries were four (4) days old at the time of the examination jibe with the statement of appellant that the police inflicted those injuries upon him on July 26, 1969. Hereunder is the cross examination on Dr. Lara by the Prosecuting Fiscal.

"Q So this subject you examined at about 6:00 P.M. on July 30, 1969, came from the City Jail, is that correct?

A Yes, sir.

Q And from the nature of the description of the injuries which are contained in Exh. 2, do you agree with me, Doctor, that they are old injuries?

A I have stated that they are several days old in my report.

Q And it could possibly be, as you stated, to your estimate 4 days old?

A About.

Q Could it be more than 4 but it could not be more than 10?

A The extent of 10 days is beyond consideration. If it is 10 days old the lineal mark will disappear. As it is brownish in color, I put the period more or less about 4 days because it can still be seen.

COURT:

Q So letter (a) under par. 5, how many days, can this be assumed as 10 days old when you examined the accused on August 30?

A I don't think so, your Honor.

Q How about letter (b)?

A The same, it is not 10 days.

Q How about (c)?

A Also not 10 days.

Q So (a), (b) and (c) can not be 10 days old?

A No, your Honor.

(TSN, August 21, 1969 hearing, pp. 14-15).

The fact is, the prosecution did not present an eyewitness regarding the identity of appellant that he was the one who threw the hand grenade. The conviction of appellant was predicated solely on the confessions which are being attacked because of their involuntary character. As stated in *People vs. Bagasala*, 39 SCRA 236, 241, where the confession is involuntary, due to maltreatment or induced by fear or intimidation, there is a violation of the constitutional provision that no person shall be compelled to be a witness against himself. "Any form of coercion whether physical, mental or emotional thus stamps it with inadmissibility. What is essential for its validity is that it proceeds from the free will of the person confessing." Involuntary confessions are rejected by all the courts because they are not legal evidence. If the accused satisfactorily shows that it was made involuntarily, the confession stands discredited in the eyes of the law and is a thing which never existed. (*U.S. v. Santos*, 24 Phil. 329; *People vs. Panopio*, 75 Phil. 767).

In the absence of direct evidence linking herein appellant in the commission of the crime charged, what remains only are his extra-judicial supposed confessions. However, appellant vehemently maintained his innocence during the trial and claimed that he was forced to sign the same. The fact that after the maltreatment appellant was prevailed upon to sign the extra-judicial confessions, the same became worthless evidence. The result is, there is no sufficient evidence upon which appellant's conviction may be sustained.

ACCORDINGLY, the judgment appealed from is reversed and appellant is hereby ACQUITTED and ordered released forthwith from custody unless he is detained for some other offense. With costs de oficio. SO ORDERED.

Fernando, C.J., Concepcion, Jr., Guerrero, Abad Santos, De Castro, Melencio-Herrera, Plana, Escolin, Gutierrez, Jr., and De la Fuente, JJ., concur.

Teahankee, J., no part.

Makasiar, J., concur in J. Aquino's dissent.

DISSENTING OPINION

AQUINO, J.:

I dissent. There can be no question that Renato Ortilla, 27, in the evening of July 22, 1969 threw a hand grenade in front of the building where the Thomas Jefferson Memorial Library was located on Ramon Magsaysay Boulevard, Santa Mesa, Manila.

The explosion killed Rodolfo Carlos, his boyhood friend, instead of Ladislao Garcia, the intended victim. The

police reported the incident as follows (Exh. I-2):

"This pertains to a case of murder which occurred at about 11:05 p.m., July 22, 1969 in front of the Thomas Jefferson Cultural Center at Ramon Magsaysay Boulevard, Sampaloc, Manila, wherein the victim is one RODOLFO CARLOS Y SALAZAR, 18 years old, married, jobless and a resident of No. 15 Vicente G. Cruz St., Sampaloc, Manila. (Deceased)

"In the subsequent follow-up of the case the person of RENITO ORTILLA Y PANGANIBAN alias REYNALDO CANLOBO Y. LEVISTE, alias EDUARDO VILLANUEVA Y REYES, 27 years old, married, driver, native of Talisay, Batangas and a resident of 3181 Mariano St., Sampaloc, Manila, was again invited to this office for investi-gation.

"When investigated and after repeated questioning, Ortilla admitted having committed the throwing of a hand grenade in front of the Thomas Jefferson Cultural Center on July 22, 1969 at about past 10:00 in the evening resulting to the death of one Rodolfo Carlos y Salazar.

"Ortilla related that on the 20th of July 1969, he was mauled at Loreto Street, Sampaloc, Manila by three men namely Ladislao Garcia, Rolando Reyes and Bienvenido Rivera. He swear then that he will get even with them some day. On the night of July 22, 1969, at about past 10:00 while attending a wake in the neighborhood, he decided to buy wine together with some companions.

"On their way to the store, he saw Ladislao Garcia, one of his enemies watching the display of the Apollo 11 at the Thomas Jefferson, with four other persons. Upon seeing him he returned to their house and got the hand grenade which he had been keeping for more than a year and which he found inside his taxi cab probably left by a passenger and rushed back to where he saw Ladislao Garcia.

"Without much ado, after taking cover behind the left wall of the Thomas Jefferson Cultural Center building near the Kentucky Restaurant, threw the grenade to the front of the Thomas Jefferson building where he saw his enemy standing. Unfortunately, Garcia was not there and the victim turned out to be a diffe-rent person.

"Renato Ortilla also demonstrated how he committed the crime by doing a reenactment at the very place where it was committed, the Thomas Jefferson Cultural Center in the presence of Major Benjamin Calderon, Lt. Ildefonso Labao, Patrolmen Manuel Roca, Rodolfo Janer, Luis Adriano and the undersigned. The reenactment started at 1:30 in the afternoon, July 26, 1969 and ended at exactly 1:45 p.m., same date. Photographs of the reenactment were taken by Pat. R. Dacanay of the Photo Section, CIL, Manila Police Department.

"In the same reenactment, Ortilla showed how he hid behind the wall of the Thomas Jefferson Cultural Center building and how he threw the grenade by using a facsimile and it landed five inches further than where the real grenade exploded the night of July 22, 1969. He then demonstrated how he ran towards west and along Ramon Magsaysay Boulevard. Upon reaching the corner of Domingo Ampil and R.M. Boulevard, Ortilla told these investigators that he was at that place when the grenade exploded last July 22, 1969. He also pointed to where he took the grenade that night.

"The statement of Renato Ortilla was reduced into writing, one written by him in long hand (hand written) together with sketch of the crime scene and the drawing of a hand grenade made by him were subscribed and sworn to before Assistant City Fiscal Ricardo D. Conjares.

"Renato Ortilla was then taken to the Medico Legal's Office, MPD at 3:20 p.m., July 26, 1969 for physical examination but because Dr. Lucero was not there at the time, these operatives motored to the National Bureau of Investigation where the suspect was submitted to a physical examination conducted by Dr. Nery Y. Ramirez, Dr. Ricardo Ibarola and Nurse Basilisa del Rosario. The examination started at 3:40 p.m. and ended at 4:20 p.m., July 26, 1969.

"The suspect was then returned to the office of the Homicide Division, Manila Police Department where he

was met by the press composed of the following reporters:

"From the Manila Times, Manuel Coles, Bobby Coles, Afroniano Maricuelo, Aurora Peralta and Antonio Alabastro, from the Chronicle, Philip Siron and from KBS NEWS, Catalino Flores. Suspect answered all questions asked by the above-mentioned reporters and admitted before them the commission of the crime.

"In view of the foregoing, suspect was arrested and booked for the crime of MURDER and the case will be filed with the City Fiscal's Office.

"This case is considered solved closed."

Accused Ortilla executed a handwritten confession with a sketch of how he committed the crime and a drawing of the grenade, and a typed confession in four pages and containing seventy-nine (79) questions and answers which were sworn to before Fiscal Ricardo D. Conjares (Exh. G, G-1, G-2 and H).

Fiscal Conjares, as a rebuttal witness, testified on the voluntariness of the confessions. Judge Manuel R. Pamaran found the confessions to have been freely given. He made the following findings:

"After the accused has rested, the prosecution presented, in rebuttal Aurora Peralta, age 25 years, single, trainee as police reporter of the Manila Times and residing at 205 Commandante Garcia Street, Pasay City, who declared that on July 26, 1969, she was in the room of Major Calderon in the police headquarters, United Nations Avenue, Manila, and interviewed the accused regarding the hand grenade throwing at the Jefferson Library; that the accused appeared relaxed and his back was rested at the back of the chair; that his left leg was swinging and he was smoking; that she interviewed him and asked him if he was the one who threw the bomb and he said 'yes' and where he got it and said that it was left at the backseat of the taxi driven by him; that he threw the bomb as he saw his former enemy in front of the Jefferson Library; that she also asked him to narrate how he threw the bomb and she said that after seeing his enemy in front of the Jefferson Library, he left for home and got the grenade; that he described the grenade with a pin and like an atis; that she also asked him if he was the one who threw the grenade in the US embassy and he said 'no'; that there were also other reporters, namely: Bobby Coles and Manuel Coles of the Manila Times and others whom she cannot recall; that after she interviewed, Manuel Coles also interviewed the accused on the statement given to her; that she interviewed the accused for fifteen minutes and that there was voluntariness and glibness and the accused was relaxed.

"Patrolman Orlando Gorospe likewise testified in rebuttal and denied the maltreatment and the blindfolding of the accused the truth being that Exhibits G and H were signed by the accused voluntarily and freely; that it is not true that Patrolman Sunga turned over to them pieces of evidence; that he went to Patrolman Romasanta and he said that there was no evidence turned over to him; and that he did not maltreat the accused.

"Finally, Ricardo D. Conjares, age 41 years, married, Assistant Fiscal of Manila was presented as rebuttal witness who declared that he was the one who administered the oath in Exhibits G, G-1, G-2 and H; that the correctness of said exhibits were subscribed and sworn to before him in his office at the City Hall, Manila; that he denies that accused told him that those statements are not true; that after he went over the evidence and being fully aware of the crime of which the accused is charged, he asked the accused to go over the document; that accused did so and then he asked him if he confirms the truth of his statement and the consequences of his statement and accused answered in the affirmative; that he asked him if he was maltreated, intimidated or coerced and he answered in the negative; that it is not true that he just required him to swear because he permitted the accused to go over the statement and affirm the correctness of it and thereafter, he told him to raise his right hand; that he did not notice him crying; that Atty. Antonio Nulles was even present when the accused was sworn as Atty. Nulles has a case before him; that his stenographer was even present and he requested her to be a witness and that it is not true that the accused was pulled aside by the police officers.

"A careful study of the evidence presented shows the fact that the victim herein died due to an explosion has never been disputed. As a matter of fact, accused and his witnesses likewise testified to the explosion. The only

issue in this case, therefore, is who threw the explosive.

"After going all over the evidence presented, the court is of the firm belief that accused herein was the one who threw the explosive in question which was a hand grenade. This is shown by his statements (Exhibits G, G-1, and G-2), which are all in his handwriting and Exhibit H, a more detailed one.

Accused, however, denies the voluntariness of said statements and that he was forced to prepare Exhibits G, G-1 and G-2 and to sign Exhibit H because of the maltreatment that he can no longer bear. Said statements, however, were all subscribed and sworn to before Inquest Fiscal Conjares and witnessed by a practicing lawyer, Atty. Nulles.

"Patrolman Gorospe also testified that the said statements were voluntarily given and the accused was not maltreated.

"So it has been held that where the officers of the law who testified to the taking of the confession declared that no intimidation was used and the accused was sworn before Assistant Provincial Fiscal of Rizal who could not have sanctioned the illegal act, the confession is considered to have been voluntarily given (People vs. Conde, G. R. No. L-2921, June 27, 1951). In the same manner, it was held that the fact that the appellants did not repudiate nor inform the judge (swearing officer) that they were maltreated and forced to sign the prepared statement when they appeared before him shows that the confessions were voluntary (People vs. Tondo, et al., G. R. No. L-9131, July 31, 1959). Fiscal Conjares, when presented as rebuttal witness, likewise denies the allegation of the accused that he was just pulled by the police to swear before him, for the truth is that before he swore the accused, he personally went over the document and fully aware of the crime charged asked the accused to go over the document which accused did.

"Accused read it and thereafter, he asked the accused if that is true and accused told him that everything is true. He even asked the accused if he knows the consequences of his statement and accused answered in the affirmative. He asked him again if he was maltreated, intimidated or coerced and again accused answered in the negative.

"Fiscal Conjares categorically declared that it is not true as claimed by the accused that he was just pulled to swear and that accused never claimed any false statement and that he did not notice the accused crying. The credibility of the testimony of Fiscal Conjares is augmented by the fact that the witnesses in the swearing of said statement were Atty. Nulles who happened to have a case before him during that time and his lady stenographer Magbag.

"Fiscal Conjares, therefore, cannot be recreant to his duties in attesting to the truth and voluntariness of the statement of the accused because of the presence of the public in his room like Atty. Nulles.

"Again, a cub reporter of the Manila Times, Aurora Peralta, denies the claim of violence, maltreatment or coercion of the accused for the reason that when she interviewed him in the room of Major Calderon in the police headquarters, accused appeared relaxed and his back was rested on the back of the chair and his left leg was swinging and he was smoking; that when she asked again the accused as to who threw the bomb he said that he was the one and that he got it at the back of the taxi driven by him. Accused also admitted to her that he threw the grenade as he saw his former enemy in front of the Jefferson Library, Ladislao Garcia.

"When accused was asked again as to how he committed the crime, he said that upon seeing his former enemy, he left for home and got the grenade which looks like an atis. Accused, however, denied upon her inquiry that he was the one who threw the bomb in the US embassy. Peralta further declared that during the course of said interview, there were other reporters, namely: Bobby Coles and Manuel Coles and others whom she cannot recall.

"With the crusading spirit, therefore, of the newspapermen and their propensity to denounce any violation of

the fundamental rights of man, their presence alone will discourage any irregularity especially in this case which has acquired national importance as it coincided with the coming of the United States President Richard M. Nixon.

"Another factor which indubitably shows that the statement of the accused was voluntarily given is the fact that it was replete with details which could not been known to the police but only to the accused, like for example, the accused claimed that after throwing the hand grenade, he returned to the Jefferson Library with Det. Sunga and a certain Aling Betty and that he threw the grenade because his former enemy Ladislao Garcia was there. It is difficult to imagine how could the police mentioned those things in the statement if the latter is fabricated. It cannot be said that the policemen got said information from the enemy of the accused, Ladislao Garcia, for the reason that Garcia gave his statement before the police only on July 26, 1969 and that was after the accused had already given his statement.

"And so it has been held that where the confession is rich in details about which the police authorities could not be much interested or could have been known to the declarant alone, the conclusion is that no pressure was brought to bear on the accused and that his confessions were voluntary (*People vs. Bersamin alias Mirong, et al.*, G. R. L-3908, March 5, 1951).

"This case is similar to that case of *People vs. Padua, et al.* G. R. No. L-4546-47, April 28, 1962 wherein the Supreme Court reiterated that the claim of maltreatment by the defendants is belied by the abundance of details in their respective statements which could have been known only to them, but which were difficult if not impossible, for the investigator to have known them.

"The court has also noticed that Garcia denies his presence in the Jefferson Library (Exhibit M; testimony of Garcia). The police, therefore, would not be shortminded to concoct a theory that Garcia was in front of the Jefferson Library when the explosive was thrown when the testimony of Garcia shows that he was not there.

"It is also the observation of the court that there was no action taken against the person who supposedly maltreated him when the reaction of the person subjected to torture would be to denounce such act especially to the duly constituted judicial authorities. So it has been held that the unexplained failure of an accused who claims to have been coerced into making a confession by means of force, violence or torture to denounce his alleged maltreatment to the proper authorities, has in several cases, been taken into account by the Supreme Court in holding that no such maltreatment had in fact taken place (*People vs. Sedon, et al.* 46 Off. Gaz. 2644).

"In this particular case, accused is in a position to denounce the maltreatment because he claims to be a neighbor and godson of Det. Sunga who personally intervened in his behalf. Speaking of Det. Sunga, this court is of the opinion that in the ordinary course of things, his interest in this case would deter the members of the police force from inflicting injuries on the accused as he was the one even being consulted first in the invitation of the accused for questioning.

"But what is significant is the claim of the accused that at around 1:00 to 1:30 a.m. of July 23, 1969, he was fetched from his house by the police officers and brought to Loreto Street and finally noticed that he was already in the gate of the La Loma cemetery where he was maltreated in a very cruel and unusual way like pushing him inside a tomb and released only at around 5:00 a.m. of the same day. Detective Sunga intervened again in his release. Upon his release, accused, therefore, could have denounced the alleged inhuman torture that he suffered to Det. Sunga, his wife or any public authority because he was again set free.

"But accused did not mention any denunciation. Detective Sunga took the witness stand and did not even insinuate that accused complained to him for any maltreatment. As a matter of fact when Det. Sunga was again consulted by the police officers in inviting the accused on July 26, 1969 for another questioning, he did not exhibit any apprehension on the maltreatment of the accused.

"It is also true that accused is with injuries when examined by Doctor Lara on July 30, 1969. But the court

believes that in the light of the testimony of Nery Ramirez that the injuries of the accused are compatible with the alleged date of infliction on July 20, 1969 (when accused had a quarrel in Loreto Street with Garcia and companions) and the failure of the accused to denounce to the public authorities the maltreatment when he had the opportunity to do so, the conclusion is that such injuries were not inflicted by the police authorities but for some other causes like the mauling incident on July 20, 1969 in Loreto Street.

"Doctor Lara's medical report does not show that those injuries were actually suffered by the accused before or after the taking of the statement on July 26, 1969. It is, however, interesting to note the observation of the Supreme Court in a similar case wherein the accused also had injuries. Said court declared that if persons in order to be exempt from military service would mutilate themselves or cause others to mutilate them who would not wound himself slightly in order to escape a crime penalized by the Penal Code (People vs. Mediavilla, 52 Phil. 94, 95-97).

"Again, there was a reenactment of the crime corroborative of the written confession of the accused. During the course of the reenactment, the accused could have protested posing if it was not true because he has all the time and opportunity to resist as the reenactment was in public and at daytime. His posing, therefore, in the pictures are true (Exhibits J, J-1, J-2, J-3, J-4, J-5 and J-6) and strengthened the conclusion that his statements were freely and voluntarily given.

"The court has likewise observed that there was no evil or bad motive attributed to the police officers why they will implicate the accused in this heinous crime of murder or why Fiscal Conjares and Patrolman Gorospe in particular will testify against the accused. And so it has been held that where no evidence whatsoever had been presented to show evil or bad motive why the witnesses for the prosecution should have testified falsely against the defendant (People vs. Macalindong, 70 Phil. 719) and where the defendant failed to show that the prosecution witnesses have any special interest in the conviction of the accused (People vs. Dumlao, et al. C. A. 43 O. G. 4688), the logical conclusion is that no such improper motive existed and their testimony is worthy of full faith and credit (People vs. Borbono, 76 Phil. 702; People vs. Baquino, 77 Phil. 427)."

Granting arguendo that some coercion was used in extracting the confession, that circumstance would not render the confession inadmissible because the compulsion was employed to make the accused tell the truth.

This Court, through Justice Labrador, ruled that "the law rejects the confession when, by force or violence or intimidation, the accused is compelled against his will to tell a falsehood, not when by such force and violence he is compelled to tell the truth" (People vs. De los Santos, 93 Phil. 83, 93; People vs. Prias and Flores, 109 Phil. 48, 56, reiterated by Justice Montemayor in People vs. Villanueva, 98 Phil. 327, 335).

As the confessions were executed prior to January 17, 1973, when the Constitution took effect, they are not affected by the Miranda doctrine now found in section 20, Article IV of the Constitution.

The judgment of conviction should be affirmed.

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