

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. SIXTO HERNANE, DEFENDANT AND APPELLANT.

G.R. No. L-12. December 17, 1945

Ponente: JARANILLA, J.

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JARANILLA, J.:

The defendant-appellant, Sixto Hernane, was convicted in the Court of First Instance of Manila of illegal possession of firearms and was sentenced to suffer two months' imprisonment and to pay a fine of P100, with subsidiary imprisonment in case of insolvency, and the costs. The information filed by the prosecuting attorney reads as follows:

"The undersigned accuses Sixto Hernane of a violation of section 878 of the Revised Administrative Code, in relation to section 2692 of the same code, both as amended, committed as follows:

"That on or about April 9, 1945, in the City of Manila, Philippines, said accused did then and there wilfully, unlawfully, and feloniously have in his possession and under his control one rifle carbine without first obtaining the necessary license therefor."

Appellant's counsel assigns three errors supposedly committed by the court a quo, and all relate to the sufficiency of the evidence to convict the appellant.

At the trial of the case the following facts were proved and established beyond reasonable doubt:

That on April 9, 1945, Mitchel Donovan and Amado Yatco, officers of the Criminal Investigation Division (CID), duly provided with a search warrant, raided the house of the defendant-appellant situated on Mataba road, Quezon City;

That in said raid the officers found in one of the comers of the house, hidden behind a wardrobe, an army carbine, No. 014049, which was marked for the purpose of identification as Exhibit A;

That upon being asked whether he had a license to possess said firearm the appellant replied no, and so he was arrested;

That when he was investigated further regarding said firearm he made a voluntary statement in writing, free from any duress or intimidation whatsoever, which statement was marked as Exhibit B, wherein he stated that said carbine had been given to him by a boy named Rolando Cadili and that he had kept it in the premises of his house where it was found by the CID officers.

At the trial the defense tried to establish that the appellant had no knowledge and was not aware of the presence of the firearm in question in his house, and for this purpose it introduced two witnesses, Geronimo Larabe and Rolando Cadili. The latter, a boy about thirteen year of age, tried to assume the ownership of the said firearm and that he was the one who had hidden it in the house of the appellant without the knowledge and consent of the latter.

In connection with the statement Exhibit B, counsel argues that it was procured through the ignorance of the appellant, who was made to sign it without knowing the full import of the contents thereof. The appellant, counsel emphasizes, is a mere "common tao," "deprived of the benefits and blessings of the rudimentary schooling * * * is the victim of his unfortunate state of ignorance * * * which made him an easy prey of those in charge of the subtle intricacies of the law that are beyond the grasp of his limited comprehension."

It appears, however, that the statement Exhibit B is written in plain and simple Tagalog, and no force, intimidation or duress in the procurement thereof was established in this case to destroy its probative value. On the contrary, the appellant admitted that no undue pressure had been exerted on him when he signed it (p. 8, t. s. n.). Furthermore, the accused is not really so devoid of any kind of education, because he speaks English and was an employee of the PCAU. There exists, moreover, no scintilla of evidence to show that the witnesses for the prosecution had any other motive than to prosecute only an offender of the law.

The testimony of thirteen-year-old Rolando Cadili that he hid the carbine in the house of the appellant without the latter's knowledge does not appear convincing to this Court. The trial judge, who had ample opportunity to observe his manner of testifying in open court, arrived at the same conclusion. This is especially so when said Cadili stated that instead of hiding the firearm in the house of his master he abandoned it in that of the appellant because he left for Nueva Ecija two days after leaving it in the house of the appellant, which statement was contradicted by the very appellant, who testified that on the day when the firearm was found in his house Rolando was still in the neighborhood.

Larabe, the other witness for the defense, simply tried to corroborate, in the most unbelievable manner, the testimony of Cadili that the carbine in question was being left by said Cadili in his possession but that he refused to accept it, and so it was taken to the house of the appellant.

There is apparent improbability in the testimony of the accused and his witnesses, Geronimo Larabe and Rolando Cadili, not only because they are naturally interested in saving him from criminal liability, which renders their testimony biased, but also because Officer Yatco's testimony has not been successfully impeached. The defense has not shown that said officer made any promise of immunity to the accused before taking his statement. Nor has it proved that he had any reason to make false declaration in order to convict the accused.

That the accused clearly knew that the carbine in question was in his house has been established also by the following portion of Officer Yafcco's straightforward testimony :

"Q. Did you have any conversation with the accused regarding this carbine?—A. Yes, sir. I investigated the accused on April 10, 1945, and he admitted having had in his possession this carbine "which, according to him, was given by a boy named Orlando.

"Q. How long ago, according to him, that the boy gave the carbine to the accused?—A. Two weeks before." (P. 3, t. s. n.)

It is obvious, therefore, that the trial court did not rely solely on the accused's signed statement Exhibit B, the probative value of which he has sought to undermine. Nevertheless, said exhibit was properly admitted by the court below, for "admissions of a party charged with a crime, deliberately made, are always admissible to show his guilt." (U. S. vs. Castillo, 2 Phil., 17; U. S. vs. Lio Team, 23 Phil., 64; U. S. vs. Ching Po, 23 Phil., 578; U. S. vs. Corrales, 28 Phil., 362.) And "an extrajudicial confession is not rendered inadmissible or involuntary by reason of failure to caution the accused that he need not talk and that if he does what he says will be used against him, even though such extrajudicial confession was under oath." (U. S. vs. Agatea, 40 Phil., 596.)

The facts and circumstances shown and proven in this case—that the accused had in his possession, hidden in his

house, the firearm in question; that as he himself at the outset admitted; readily and spontaneously, he kept it in his possession without the intervention of any other person; and that he had no license to possess it—constitute the commission of the offense of illegal possession of firearms denned in section 878 of the Revised Administrative Code and penalized in section 2692 of the same code, as amended, with imprisonment not exceeding one year and a fine not more than P1,000, or both, in the discretion of the court. The sentence imposed by the court below on the appellant to serve two months' imprisonment and to pay a fine of P100, with subsidiary imprisonment in case of nsolvency, and the costs is within the range provided by law.

Wherefore the decision appealed from is hereby affirmed with costs. So ordered.

Moran, C. J., Paras, Feria, Pablo, and Briones JJ., concur.

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