

PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. JORGE FELICIANO Y GARCIA AND ABRAHAM GARCIA Y PURIFICACION, DEFENDANTS AND APPELLANTS.

G.R. No. L-30307. August 15, 1974

Ponente: ESGUERRA, J.

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ESGUERRA, J.:

This case is before this Court for automatic review of the death sentence for Robbery with Homicide imposed by the Court of First Instance of Manila, Branch XVII, in its Criminal Case No. 85500, on accused Abraham Purificacion Garcia and Jorge Garcia Feliciano, who were found guilty upon an Information which reads as follows:

"That on or about February 8, 1967, in the City of Manila, Philippines, the said accused, conspiring and confederating with three others whose true names and whereabouts are still unknown and helping one another, did then and there willfully, unlawfully and feloniously, with intent of gain and by means of violence, take, steal and carry away the following motor vehicle, to wit:

One (1) passenger jeepney, Ford with plate No. PUJ-1398 '66 Manila, Motor No. GPW 144741, Steel top, painted maroon (body) with lining colored white, and with nickel plated words "Jerry" on the lower center of the windshield frame, valued . . . P8,000.00

belonging to one Alberto Ila alias Alberto Salamat, against the latter's consent, to the damage and prejudice of said Alberto Ila alias Alberto Salamat, in the said amount of P8,000.00, Philippine currency; that on the occasion of the said robbery and for the purpose of enabling them to take, steal and carry away the said motor vehicle, said accused, in pursuance of their conspiracy, did then and there willfully, unlawfully and feloniously, with evident premeditation and taking advantage of their superior number and strength and with intent to kill, treacherously attack, assault and use personal violence upon said Alberto Ila alias Alberto Salamat, by then and there shooting him and hitting him with an iron pipe and wooden clubs on the head and other parts of his body, thereby inflicting upon him physical injuries which were the direct and immediate cause of his death.

All contrary to law, and with the generic aggravating circumstances of having been committed in the nighttime, in an uninhabited place and by a band which facilitated the commission of said offense."

Upon arraignment, both accused pleaded "not guilty" to the charge. Thereupon trial ensued and upon its termination, judgment was rendered finding the two accused guilty beyond reasonable doubt of the crime charged with the attendant aggravating circumstances of craft, nighttime, abuse of superior strength and use of motor vehicle and without any mitigating circumstance to offset any of them. The extreme penalty of death was imposed on the accused and they were likewise sentenced to indemnify the heirs of the deceased in the sum of P12,000.00 plus P7,000.00 representing the value of the jeepney of the deceased which was never recovered.

It is not disputed that the late Alberto Ila Y Liongson alias Alberto Salamat, alias Vicente Ila was, married to Virginia Ila with whom he had two children; that they had acquired a jeep which he used for transporting

passengers for fare; that he took out this vehicle to the streets on February 8, 1967, to solicit passengers along the Divisoria-Quiapo route and earn for the day, but he never returned; that Virginia grew apprehensive and she tried to locate him but failed; that she reported the matter to the police in the morning of February 10, 1967; that thereupon a search was conducted and the next day, Fidel Santos, a taxi-driver and neighbor of the victim, informed Virginia that he saw her husband driving his jeep northbound on the national highway near the San Miguel Brewery plant at Valenzuela, Bulacan with 3 or 4 passengers aboard. (t.s.n. pp. 3-6, July 24, 1967; pp. 6-13 November 20, 1967).

On February 11, 1967, an unidentified body of a dead man was discovered in Barrio Salangan, Municipality of San Miguel, Province of Bulacan, by one Quintin Bautista who reported his discovery to the parochial priest. The latter together with the Barrio Captain reported the matter to the municipal authorities. Thereafter, Pat. Rodriguez along with Patrolmen Sanguyo and Salazar and four detainees of the San Miguel municipal jail repaired to the scene where the cadaver was and found the body inside a burlap sack concealed among the tall grasses (talahib). They waited for the arrival of Dr. Verde, the medico-legal officer, and in his presence slashed the sack open. They saw the victim naked with hands bound and face covered with cloth. The knees were bent close to the body and the arms bound to the knees with abaca twine and tie wire in a squatting position. (t.s.n. pp. 3-7 September 12, 1967) During the trial, Pat Rodriguez declared that he made a sketch of the place where the body was found and the position of the body. After an examination was conducted by the medico-legal officer, he (Pat. Rodriguez) noted the identifying marks of the victim and lifted his fingerprints, impressions of which he indorsed to Det. Manuel Javier of the Manila Police Department (Exh. "E", "E-1", "F", "J-1", "J-2" and "J-3" pp. 49, 50, 250-253 Record):

Mrs. Virginia Ila, widow of Alberto, upon learning that a dead man was found in San Miguel, Bulacan, went to the Municipal Building of San Miguel, Bulacan, and inquired about the discovered body. She was informed that subject had been buried but she was asked if her husband had identifying marks and she answered that her missing husband had four false teeth with gold crown and a tattoo on his left leg with the name, [[Virgie]], and with the drawing of a woman. The authorities who earlier noted the dead man's identifying marks informed Mrs. Ila that they noted a tattoo mark on the dead man's left leg. Mrs. Ila then requested that the body be taken to Manila. An exhumation followed and a necropsy thereof was made (t.s.n. November 20, 1967 pp. 13-20).

Dr. Cesar Verde, medico-legal officer of Bulacan, who conducted the autopsy of the deceased, testified that he found tie marks around the right and left wrists and right and left ankles measuring 0.5 cm. which he said could have been caused by a rope tied around those parts of the body. He also found lacerated wound on the right occipital side measuring 2 x 1 cm. which could have been caused by a blunt instrument and a gunshot wound on the right chest (Exh. "Q" p. 130 Criminal Case Record Wrapper) He attributed the cause of death to hemorrhage secondary to gunshot wound. The retrieved slug was sent to the NBI for ballistic examination.

Roberto Garcia, Chief of the fingerprint section, Criminal Investigation Laboratory of the Manila Police Department, declared that on February 15, 1967, he received from Det. Javier a set of post mortem fingerprints with a request that a study and comparison be made of said fingerprints lifted from the discovered cadaver with the standard fingerprints of one Alberto Salamat which were on file with Central Records and Identification Division of the MPD. Garcia caused enlarged reproductions of both fingerprints to be made, and after a study arrived at the conclusion that the fingerprint impressions from the dead body were the same as those of Alberto Ila alias Alberto Salamat on file. In his study, he noted 13 identical characteristics obtaining in the middle right finger of both specimen and according to him (Roberto Garcia) "modern authorities sustain the opinion that 6 to 8 characteristics are sufficient to warrant positive identification." (t.s.n. p. 17 December 27, 1967)

The evidence also shows that when Mrs. Virginia Ila reported the disappearance of her husband to the authorities,

an investigation was initiated. Detective Cano interviewed Jose Liongson alias Tisoy and Danilo Esteban who told him that they heard the accused herein say that if it could be confirmed that it was Alberto Ila who was responsible or his (Feliciano) dismissal by Rene Payumo, operator of the jeep he was driving, something would befall him (Alberto) (t.s.n. pp. 33, 34, July 24, 1967; pp. 70-72 t.s.n. September 11, 1967). Feliciano was found to have dismissed in January 1967 (pp. 72, 73 t.s.n. September 11, 1967). These inquiries led to the apprehension of Abraham Garcia and Jorge Feliciano, herein accused who, when brought to the headquarters of the Manila Police Department (MPD), signed statements. (Exh. "A" and "B" pp. 35, 38, Record Wrapper). They likewise executed a waiver of their rights against detention beyond the period provided for in Article 125 of the Revised Penal Code, as amended, while under investigation. (Exh. "I" p. 135 Record Wrapper). Based on their signed statements which were taken by Detectives Buenaventura, Erfe and Javier, Det. Cano who was given charge of the case proceeded to Valenzuela, Bulacan to check on the statements of defendants, particularly their claim that they brought Alberto Ila alias Alberto Salamat to a house in said municipality and left the vehicle used in bringing him to the place to somebody also in that municipality (t.s.n. p. 13 July 24, 1967). Unfortunately, he failed to find the person and the vehicle he was looking for. Hence he conjectured that the two were not telling the whole truth. With the discovery of a dead man in Bulacan, accused Feliciano and Garcia readily admitted that their previous statements were not true and in subsequent separate statements given before Det. Cano, in the presence of Pat. San Miguel and Jaranilla (t.s.n. p. 15 July 24, 1967) they narrated in detail how they lured the victim to go to Marilao, Bulacan, on the pretext of fetching a woman (Exh. "C" and "I" pp. 39-48, Record Wrapper). In his subsequent statement, accused Feliciano related that he had an axe to grind against Alberto whom he suspected as having triggered his dismissal from his job. He also implicated the names "Rene and Ding" as their confederates in the plot of revenge. He mentioned that they brought the victim and his jeepney somewhere on the national highway in San Miguel where he was divested of his jeep and where he (Feliciano) struck the victim with an iron pipe, with Garcia and Ding using pieces of wood also to strike Alberto. They pointed to Rene however as the gunwielder, with all of them helping in tying Alberto with abaca twine and tie wire and later slipping him into a burlap sack, tying the ends of the sack and leaving the victim in that pitiable state. They then fled back to Manila on a car painted white which was traced back to an auto repair shop owned by Rafael Bondoc at Lakas ng Mahirap, Caloocan (t.s.n. pp. 17, 18 July 24, 1967; Exh. "C", "D" pp. 39-48 Record Wrapper). The jeep of Alberto was allegedly sold by Rene to someone not personally known to them and they (Garcia and Feliciano) were given their share of the loot.

When the body was taken to Manila, the accused herein identified the deceased (Exh. "H" and "I"). A few days thereafter, a re-enactment of the commission of the crime was made in the presence of Lt. Jesus Buenaventura, Assistant Chief of the Detective and Robbery Division, Sgts. Manguyo and Villanueva and Pat. Dacanay, and the body was photographed. (Exh. "M-O-1").

Accused Jorge Feliciano and Abraham Garcia during the trial repudiated the extra-judicial confessions they made and signed. They now disown the documents purporting to be their confession. (Exh. "A, B, C., D, H and I" pp. 35, 36, 37, 38, 53, 54 record; pp. 5, 6, t.s.n. October 17, 1968; pp. 4, 5 t.s.n. September 24, 1968) and claim that the statements were extracted from them by force or through "third degree" methods.

Jorge Feliciano declared that all he remembers was that he was forcibly made to sign many papers by the police officers who arrested him but "did not know exactly" what they were all about (pp. 6, 13, 14, 18 t.s.n. October 17, 1968); and that he was brought to a hotel and to the Detective Bureau where he was "3rd degreed". (pp. 6, 8, 9, 10, 11, 12 t.s.n. October 17, 1968). On the other hand, Abraham Garcia claimed that after he was arrested, he was brought to the Manila Police Headquarters at Isaac Peral (now United Nations Street) was maltreated and, at the point of a gun, was made to sign statements (pp. 1-15 t.s.n. September 24, 1968). They however admitted the genuineness of their signatures and that the signatures on the different statements are their normal signatures, a fact aptly noted by the trial judge, viz:

"Against their repeated admissions, the defendants entered a defense of complete denial. Defendant Garcia alleged further by way of defense that has become a standard defense — that he was maltreated. The claim of maltreatment, however, deserves no credence. Thus the defendant claims with respect to his statement Exh. B that he does not know anything about its contents. Yet, he admitted on cross examination that many of the questions in the statement were asked of him. Again the defendant admitted that the signatures in the statements are his. If it were true as he said that he was maltreated every day for two weeks, his physical condition must have been such that his signatures in the said statements would surely show a marked difference from each other because of the tension and the pain he must have suffered. An examination of the signatures in his different statements taken after days of interval clearly show that they were written with the same sure and firm hand. The defendant claims that the re-enactment was not voluntary on their part. Yet, the defendant admitted that they were told to pose as they pleased. In fact the defendant admitted that he was not actually forced."

The defense in its ably-written brief exerted mighty efforts to discredit the confessions by attempting to prove that they were extorted by torture and maltreatment of the accused. The trial judge, however, after a careful deliberation did not view their contention of a forced confession with sympathy and rejected their claim. Our own study of the record reveals that no error was committed by the court a quo in admitting the confessions of the accused. Their assertions of maltreatment are belied by their own testimonies. The facts contained in the written statements could not have been given by any one else who did not perform the acts narrated therein. They are so replete with details which the police officers could not have known if they merely concocted the confessions. Information such as that Jorge Feliciano was without a drivers license a week before he was arrested or the fact that he had a quarrel with one "Tisoy", an uncle of the deceased, and during which fight Abraham Garcia, the other defendant, was also with him; or that he reached the 7th grade at Tayuman Elementary School or the names of their teachers and other personal circumstances could not have been supplied by the police officers. Likewise their sworn statements contained a narrative detail of how they went about the plot to avenge their grudges against Alberto; their use of the tie wires and abaca twine to tie the victim's wrists and knees; their use of a burlap sack which contained the deceased and the gunning of the victim, these details dovetailed with the findings of the medico-legal officer.

Well-settled is the rule that the findings of the trial judge are not to be disturbed on appeal unless there are substantial facts and circumstances which have been overlooked or which, if properly considered, might affect the result of the case. (People vs. Pareja L-21937, November 29, 1969, 30 SCRA, 693, 7033; People vs. Bautista L-23303-04, May 20, 1969, p. 185, 190). We hold that the trial court did not err when it did not give credence to the accused's claim of involuntary confession.

One additional factor that militates against appellants' claim of maltreatment is that it appears that accused Garcia and Feliciano were transferred to the custody of the NBI in 1968 on motion of the late Delegate Enrique Voltaire Garcia in connection with the hearings of the Senate Committee on Justice on Senate Bills Nos. 801 and 802 which were intended as a remedial legislation on the use of extra-judicial confession in criminal cases. However counsel for appellants never bothered to secure and present in evidence a copy of the result of the Committee Investigation to lend support to their claim of maltreatment. Neither did counsel for appellants file a complaint or charge against the "erring" policemen inspite of alleged prior requests of accused. (t.s.n. pp. 11, 12 September 24, 1968; pp. 18, 19 October 17, 1968)

We have observed too that during the trial defendants alleged that they knew the police officers who maltreated them and in fact they were so positive about their identity. On cross examination, however, the prosecuting officer tried to let the accused identify a police officer through exhibits 0-28 (photographs taken during the re-enactment which accused previously identified as having been taken on said occasion). Accused Garcia identified the man

with a hat on as Pat. San Miguel. The prosecuting officer noted that it was not San Miguel but Pat. Jaranilla on the picture whom he identified (t.s.n. p. 11 September 24, 1968; p. 3 October 17, 1968).

Similarly, defendants' claim that they had been forced into signing their respective confessions loses weight in the face of the fact that they had re-enacted the crime before many spectators and before the camera. The trial judge, We have noted in the record, elicited during the hearing an admission from the accused that they were not really pressured into posing before the camera in the re-enactment of the crime. (t.s.n. p. 5 October 17, 1968)

Appellants also question the validity of the signed confessions by mentioning the fact that they were subscribed and sworn to before Col. Morales, Chief of the Detective Bureau of the MPD, and not before a Fiscal or Judge. However, as held in several cases (U.S. vs. Co Corrales L-9230 November 10, 1914, 28 Phil. 362, 366; People vs. lose Pardo L-562), 'there is no provision of law which prescribes that either confessions or admissions are not competent evidence unless made under oath. It is the fact that they are voluntarily made by the accused and against his own interest which gives to them their evidentiary value. Provided that fact is established, it does not matter whether or not they are made under oath.' Moreover, confessions are not even required to be in writing as can be gleaned from our ruling in People vs. Bantagan G.R. No. 33045, August 15, 1930, 54 Phil. 834, 839, where it is said:

x x x no explanation is given of the failure of Luis Bantagan to sign the statement, but the fact that he did not accredit the statement with his signature doesn't render inadmissible the oral testimony of Crisologo and Alvarez as to the substance of his previous admission."

Also the fact that the confessions were made while the accused were under arrest does not render the same inadmissible (People vs. Marimpong No. 43514, 62 Phil. 70) since the confessions were made and admitted prior to the adoption of the 1973 Constitution. Of significance too is the fact that the confessions were made in Tagalog, a dialect fully within the comprehension of, and well-spoken by, the accused, they being residents of Tondo, Manila.

Appellants likewise contend that prosecution has failed to present any eye-witness to the perpetration of the crime, or to adduce any concrete evidence showing the motive of the accused in committing such a heinous crime as a robbery with homicide. While the question of motive is important to the person who committed the criminal act, yet when there is no longer any doubt that the defendant was the culprit, it becomes unimportant to know the exact reason or purpose for the commission of the crime. The failure of establish motive in that case becomes inconsequential (People vs. Diva L-22946, April 29, 1968, 23 SCRA 332, 346). Here We entertain no doubt that the defendants committed the crime.

Accused also raised the issue of jurisdiction, contending that since the cadaver of the deceased was found in a barrio in San Miguel, Bulacan, and there is no evidence as to where the victim was killed, it is doubtful whether the Court of First Instance of Manila can take cognizance of the same. Section 14 (a) Rule 110 of the Revised Rules of Court provides:

"Section 14 (a) — In all criminal prosecutions the action shall be instituted and tried in the court of the municipality or province wherein the offense was committed or any one of the essential ingredients thereof took place."

Since the commission of the crime was started in Manila, in front of the Vista Theater along Claro M. Recto Avenue, where the victim was lured into going with defendants to Marilao, Bulacan, on the pretext of fetching a woman, then to San Miguel where he was liquidated, the Court of First Instance of Manila unquestionably has jurisdiction of the case.

WHEREFORE, judgment of conviction against the accused, with the civil indemnities therein provided, is hereby affirmed. However, for lack of the required votes to impose the extreme penalty of death, the penalty of reclusion perpetua (life imprisonment), with all the accessory penalties prescribed by law, shall be suffered by both accused. Costs against the accused.

Makalintal, C.J., Zaldivar, Ruiz Castro, Fernando, Teehankee, Antonio, Fernandez, Muñoz Palma, and Aquino, JJ., concur.

Barredo, J., cannot conceive of any legal reason why the penalty of death imposed by the lower court should be reduced to life. He voted to affirm the judgment of the trial court.

Makasiar, J., took no part.

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