

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
EMETERIO VILLANUEVA, PEDRO PERCAL AND FELIX JASMILONA,
DEFENDANTS-APPELLANTS.**

G.R. No. L-12682. July 31, 1962

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APPEAL from the decision of the Court of First instance.

SUMMARY

Loreto Estacio, a native of Calamba, Laguna was severally beaten and stabbed to death inside the camarin of Emeterio Villanueva allegedly by the defendants. Accordingly the information was filed charging the suspects with the crime of murder. During the trial the prosecution presented as evidence the extra-judicial confession of defendant Felix Jasmilona which he signed and swore before the Justice of the Peace. Said confession states that, while inside the camarin, Loreto Estacio was beaten and mauled to unconsciousness then stabbed to death allegedly by the accused-appellants. Then fcho corpse was carried and dumped at a marshy place in barrio Linga. Felix Jasmilona assailed the credibility and admissibility of his affidavit on the ground that he was maltreated by the investigators into signing it and that it was not his voluntary act. However, if the same is admissible then Felix Jasmilona should be absolved as said affidavit contain exculpatory statements exonerating himself from the offense. His co-defendants alleged that the extra-judicial confession is not admissible as evidence against them. The trial court on the strength of the said extra-judicial confession corroborated by competent circumstantial evidence convicted the accused to life imprisonment (cadena perpetua) ; to indemnify the heirs of the victim and to pay the proportionate part of the costs. The defense opted to question the sufficiency of the evidence for the prosecution as to warrant a conviction beyond reasonable doubt, hence, this appeal by the defendants. The Supreme Court affirmed the judgment appealed from with costs while crediting the appellants with one half of their preventives imprisonment.

RULING

Where extra-judicial confession is admissible in evidence, courts are not duty bound to believe it in its entirely especially when it contains exculpatory statements exonerating the affiant from his guilt. Recitals in the extra-judicial confession of one of the conspirators which are corroborated in its important details by other proofs on record as in the case at bar, may be considered part of the evidence against the other parties. The admission of Jasmilona's confession against is co-defendants is an exception to the general rule against its admissibility because, while the confession is hearsay as to the others, Jasmilona was called to testify as a witness for his co-defendants and as such his confession becomes a competent evidence for the purpose of contradicting his testimony in behalf of his co-defendants.

While it is true that no direct proof of conspiracy was introduced, the acts of the accused in the light of the recitals in the extra-judicial confession show that the killing was planned and carried accordingly and corroborated by competent evidence. A chain of circumstances fitting tightly into the statements made in the extra-judicial confession is sufficient to establish the fact there was conspiracy among the defendants-appellants.

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