

PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. CESAR REYES Y ENGRESO, ET AL., DEFENDANTS, CESAR REYES Y ENGRESO, DEFENDANT AND APPELLANT.

G.R. No. L-19894. May 27, 1966

Ponente: BENGZON, J.P., J.

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BENGZON, J.P., J.:

On December 20, 1958, between 7:30 and 8:00 p.m. Mrs. Julia R. Pangan was at her home in 119 Kamias, Quezon City, preparing for supper. A man with a gun suddenly appeared, threatening to shoot her if she resisted. Mrs. Pangan, her children—Anita, Roland, Manuel—and her maid, Fleurida, were told by the man to get inside a small room in the kitchen. A second man, who had then joined the first, watched them. The man with the gun then demanded money and got P20 from the maid who gave it upon instructions from Mrs. Pangan. At this time, Jesus Macasusi, a houseboy, returned from an errand, but he too was confined in the same room. Anita, to avoid being forced upstairs by the gun wielder, gave him her lady wristwatch worth P160, her brillante ring worth P300 and her class ring worth P45. Mrs. Pangan and her maid, however, were taken upstairs by said gun wielder; the second man remained downstairs to watch the two others. The rooms upstairs were then ransacked and later P30 more was given to the gunmen by the maid. Then they were taken downstairs again. The family driver, Panfilo Miramat, arrived and he also was searched and taken into the room. Later, they were all brought upstairs and confined in the bathroom. Subsequently, Mrs. Pangan and her companions heard two gunshots outside the house. The driver and the houseboy left the bathroom to see what was happening. In the meantime, Mrs. Pangan and the others locked themselves in another room where they stayed until the police came.

The police, having been called by his family driver, came and found Dr. Manuel Pangan dead on the driveway. It was later determined that he died of severe hemorrhage, secondary to gunshot wound of the chest (Exh. A). From the premises, that is, at the driveway, two empty cartridges were found (Exhs. D-4 and D-5).

From the house, the robbers had in addition taken these items, valued as follows:

one pair diamond earring

P450

one diamond ring

850

one pair earring with brillante stones

2,000

one wristwatch with solid gold bracelet ...

450

one radio transistor

125

one fountain pen

11

one men's wristwatch

250

The authorities made no initial progress in solving the case. On March 8, 1959, detectives Ricardo Santos and Gregorio Diño read in the papers of the apprehension of Cesar Reyes for illegal possession of firearms in Manila. After proper arrangements they sent the two empty cartridges (Exhs. D-4 and D-5) for examination to the Criminal Investigation Laboratory of the Manila Police Department. Said agency reported that the cartridges came from the gun taken from Cesar Reyes (p. 25, Tsn., March 7, 1960, Santillan). Cenon Andalis, the owner of the gun, and Cesar Reyes were then investigated in April 1959. Since they denied any participation in the crime, they were released. In August 1959, a detective fetched Cesar Reyes from Ilocos Sur where he was arrested by the Philippine Constabulary on the strength of a warrant of arrest issued by the Court of First Instance of Manila for illegal possession of firearms. Later, in the Quezon City Police Department, Reyes, in the presence of two newspaper reporters, admitted his participation in the robbery afore-stated, and signed a confession (Exh. J) in which he claimed that he borrowed the gun from PC Sgt. Andalis and that his companions were Pedro Cabrera, alias Pete, and another one whom he did not know.

On August 14, 1959 an information was filed in the Court of First Instance of Rizal (Quezon City Branch), against Cesar Reyes y Engreso, Pedro Cabrera alias Pedring, alias Pete and John Doe as principals and Cenon Andalis y Taduran as accomplice in the crime of robbery with homicide. Pedro Cabrera and John Doe are at large.

After the accused—except those at large—pleaded not guilty and stood trial, on March 30, 1962 the Court of First Instance convicted Cesar Reyes of robbery with homicide, primarily on the basis of his confession, but acquitted Cenon Andalis, on the ground of reasonable doubt.

Said the decision in its dispositive portion:

"WHEREFORE, the Court finds Cesar Reyes y Engreso., GUILTY, beyond reasonable doubt, of the crime of robbery with homicide as charged in the information, and pursuant to the provisions of par. 1, of Article 294 of the Revised Penal Code, hereby sentence said accused to suffer the penalty of reclusion perpetua, to indemnify the heirs of the deceased in the sum of P6,000.00 for the death of said deceased and the sum of ₱1M,670.00, representing the value of the articles stolen, without however, any subsidiary imprisonment in case of insolvency in view of the nature of the penalty imposed, and to pay the proportionate costs.

"On the ground of reasonable doubt, the case is dismissed as against Cenon Andalis y Taduran, with costs de oficio.

"SO ORDERED."

From the above judgment, Cesar Reyes y Engreso appealed to this Court.

From the evidence of the prosecution, apart from the ex-trajudicial confession of the appellant, the fact of the commission of the crime of robbery with homicide, is well and sufficiently established. Said fact, which is the corpus delicti of the offense charged, has been proved by the testimony of Mrs. Julia R. Pangan thereon as well as by the testimonies of NBI medico-legal officer, Jesus D. Crisostomo, and of Quezon City police detective Ricardo

Santos, both as to the death of Dr. Manuel Pangan, together with the documentary evidence of the Necropsy Report (Exh. A) stating the postmortem findings of Dr. Jesus D. Crisostomo, including the cause of the above-stated death.

The Rules of Court provide that an extrajudicial confession suffices to convict if the same is corroborated by evidence of corpus delicti. Section 3 of Rule 133 (formerly Sec. 96 of Rule 123) states:

"Sec. 3. Extrajudicial confession, not sufficient ground for conviction.—An extrajudicial confession made by an accused, shall not be sufficient ground for conviction, unless corroborated by evidence of corpus delicti."

In the face of said rule, appellant would disclaim his extrajudicial confession (Exh. J), dated August 13, 1959, upon the assertion that he signed it only because he was maltreated into doing so by the police authorities of Quezon City.

A review of the evidence in this case, however, only convinces this Court that appellant signed his aforementioned confession freely and without being forced to do so by infliction of bodily harm. For the appellant signed the same in the presence of police officers and two newspapermen. And, thereafter, he was brought before Quezon City Fiscal Jaime R. Agloro, where he affirmed the same, signing it once more. In his testimony below, herein appellant sought to explain this by stating that he was not able to tell the fiscal that he was maltreated by the police "because my gums were swollen then" (Tsn., p. 22, August 3, 1961). Such explanation is too flimsy and ridiculous to be accorded belief. Appellant could have easily pointed out his alleged swollen gums to the fiscal. At any rate, he freely signed the confession again before said fiscal, affirming the same, an act that he could then have refrained from doing. Furthermore, as noted by the trial court, his signatures in the confession appear to be continuous and stable, even in comparison with his specimen signatures made in open court (Exh. K).

Patrolman Godofredo Ruiz, who took down the said confession, in question-and-answer form, denied the alleged maltreatment. Appellant has not presented any medical certificate to prove any injury received by him during the process of taking said confession. All that he could present is a medico-legal slip (Exh. 1-Reyes) purporting to attest to a slight contusion and abrasion on him on April 25, 1959, long before the confession in question, which was on August 13, 1959. And it is appellant's own contention that said alleged maltreatment of April 1959 did not force out from him any confession. It cannot therefore prove that his confession of August 13, 1959 was forcibly taken.

Said issue of the voluntariness of the confession is one depending upon the credibility of contending witnesses. Such matter being within the special competence of the trial court, we see no reason in this case to disturb its finding and conclusion that the confession was voluntarily given and not forcibly extracted.

From the contents of said confession, appellant clearly admits direct participation in the crime of robbery with homicide. For he states therein among other things that:

"10. T: Maari mo bang isalaysay sa akin ang buang- pangyayari tungkol dito sa pagkakapatay kay Pangan nuong Diciembre 20, 1958? S: Humigit kumulang sa ika-8:00 ng umaga, Diciembre 17, 1958, ako po ay nagpunta sa Signal Corp., Diliman, Quezon City, upang hiramang iyong baril ni Sgt. Canon Andalis. Ipinaliiram naman ni Andalis itong 45 calibre niya. Umuwi na ako sa aming bahay sa Guipit, Sampaloc, Maynila. Nuong gabi ng Diciembre 20, 1958, mga humigit kumulang sa 7:00 ng gabi, ay dumating itong si Pedro Cabrera na pmsan ko sa aming bahay sa Guipit, Sampaloc. at umakyat siya sa itaas, kLnuha miya iyong baril ni Andalis sa loob ng aparador ng anak ko, at pagkatapos ay sinabi niya na sumama ako sa kanya at merong lakad. Nagtanong ako kung anong lakad ang sinabi niya, ang sagot niya sa akin ay 'Basta't sumama ka at merang lakad tayo. Lumabas kami ng bahay at sa paglabas namin ay naroroon ,na iyong jeep ina A.C. at itong nagmamaneho. Lumakad na kami, sa gawitig' Legarda kami dumaan at nagtuloy na Vami sa Kamias Iload. Pagdating nam;in sa Kamias Road, Q.C., ay liumaha itong driver at si Pedro Cabrera at sabi sa akin ay

mang-loloob sila. Umalis na nga sila habang ako naman ay naghihintay ng di kalayuan sa bahay na papamikin nila. Lumipas at mahigit na kalahating oras, pagkatapos nuon ay nakadinig ako ng dalawang putok ng baril. Tapos ay lumabas itong dalawang kasama ko at tumatakbo. Tinanong ko kung bakit merong pumutok, ang sagot sa akin ni Pedro Cabrera ay 'KASI LUMALARAN IYONG DOCTOR', kaya nagpapatok sila sa itaas. Pagsakay nila sa jeep ay nagtuloy na kami sa Legarda sa may Pantranco. Binigyan ako ni Pedro Cabrera ng P20.00, at iyong transistor at relo (na nakuha nila doon sa bahay na nilooban nila, ay dinala nila, ako ay iniwan na nila sa Pantranco."

It is doubtless that in giving Pedro Cabrera the gun he borrowed from Sgt. Cenon Andalis, appellant knew it would be used in the robbery he had agreed to take part in. Such can be gleaned further in this part of the confession:

"14. T: Nalalaman ba ni Sgt. Cenon Andalis na itong baril na hiniram mo ay gagamitin sa pcvnghuhuldap?

S: Opo. . . alam po niya. . . at sa katumayan ay pumaparte siya sa lakad namin."

As aptly stated by the trial court, the fact that the empty shells recovered from the scene of the crime tallied, under ballistics examination, with test shells from the gun found in appellant's possession; and the fact that some of the articles taken in the robbery were mentioned in the confession, provide the required corroboration of the confession by the proof of corpus delicti.

Anent the defense of alibi—that appellant was at the time of the crime in the store of his wife at Sampaloc selling puto bumbong—the same necessarily fails, in view of the confession. In not sustaining said defense, therefore the court a quo did not err.

Article 294, par. 1 of the Revised Penal Code provides the penalty of reclusion perpetua to death on any person guilty of robbery with the use of violence against or; intimidation of any person, whom by reason or on the occasion of the robbery, the crime of homicide shall have been committed. In the absence of mitigating or aggravating circumstances, the penalty was rightly imposed at reclusion perpetua.

Wherefore, the judgment appealed from is hereby affirmed, without costs. So ordered.

Bengzon, C.J., Bautista Angelo, Concepcion, Reyes, J.B.L., Barrera, Dizon, Regala, Makalintal, Zaldivar and Sanchez, JJ., concur.

Judgment affirmed.

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