

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. PEDRO DECIERDO, DEFENDANT-APPELLANT.*G.R. No. L-46956. May 07, 1987*

Ponente: SARMIENTO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/b93c7d1837d0/>**SARMIENTO, J.:**

On September 29, 1971, Pantaleon C. Tauto-An, a sanitary inspector assigned to Tambulig, Zamboanga del Sur, was summoned to Barrio Ebarle to examine the mortal remains of Emilio Montillano, a former Ebarle barrio captain.[1] From his findings, the deceased suffered three gunshot wounds located at the "left side nipple level"[2] through which two pellets of "shotgun shells"[3] entered, exiting "at the right portion of the back." [4] He established the date of death on September 28, 1971 and the time thereof at or about 3:00 a.m.[5] Further according to him, he found Montillano lying "at the stairs of his residence"[6] at the time he examined his body.[7]

Except for the killer himself, the shooting was observed by no eyewitness.[8]

On the same date, September 29, 1971, Ernesto Cortes, desk sergeant of the Tambulig police, commenced Criminal Case No. 629 in the Municipal Court of Tambulig against one Felipe Codilla for preliminary investigation.[9] On the same date, Judge Gualberto Bacarro, Sr. of the Tambulig Municipal Court issued a warrant of arrest against Codilla.

Finding a prima facie case against Codilla, Judge Bacarro, on March 18, 1972, issued an order forwarding the case to the then Court of First Instance of Zamboanga del Sur for trial.[10] The case was docketed as Criminal Case No. 905 of the Zamboanga del Sur Court of First Instance. The charge: murder of Emilio Montillano.[11]

Codilla was duly arraigned, after which the government presented its evidence.

Meanwhile, on January 11, 1973, Rufino Fernandez, Chief of Police of Tambulig, on the strength of a statement given by Adelita Decierdo[12] pointing to Pedro Decierdo, Adelita's husband, and Regino Duhaylungsod as Montillano's killers, filed a complaint against Decierdo and Duhaylungsod.[13] Judge Bacarro, who conducted the preliminary examination, issued a warrant for the arrest of both Decierdo and Duhaylungsod on January 15, 1973.

Decierdo was apprehended in his residence at Matingon, about 30 kilometers from Tambulig,[14] on May 23 or 24, 1973,[15] by Patrolman Alfredo Bopadora of the Tambulig police. He was brought to the Tambulig municipal building on May, 25, 1973, where he supposedly executed a written confession[16] admitting responsibility for the shooting of Montillano on September 27, 1971. He likewise allegedly fingered Duhaylungsod as the mastermind. It was a confession Decierdo was, moreover, supposed to have reiterated before Baldomero Fernandez, Assistant Provincial Fiscal of Zamboanga del Sur,[17] who reinvestigated Criminal Case No. 905.

On June 27, 1973, Angel Babiera, Zamboanga del Sur Provincial Fiscal, filed an Information against Decierdo and Duhaylungsod for murder. Based, however, on Decierdo's alleged revelations, he, on October 12, 1973, filed an Amended Information, that reads in part:

X X X X X X X X

That on September 27, 1971, in barrio Ebarle, municipality of Tambulig, Province of Zamboanga del Sur, Republic of the Philippines and within the jurisdiction of this Honorable Court, the above-named accused, armed with a homemade shotgun and a hunting knife with evident premeditation and in consideration of a price or reward in the amount of P1,000.00 and intent to kill, conspiring, confederating and helping one another, did, then and there wilfully, feloniously and treacherously shoot one EMILIO MONTILLANO hitting and wounding the vital part of his body which caused his death shortly thereafter.

CONTRARY TO LAW.

X X X X X X X X

The case was docketed as Criminal Case No. 1308 of the Zamboanga del Sur Court of First Instance.

On June 15, 1973, Fiscal Fernandez, in view of the alleged confession in question, moved to dismiss Criminal Case No. 905.[18] Acting on such motion to dismiss, the Honorable Asaali Isnani, presiding Judge of the Zamboanga del Sur Court of First Instance, issued, on the same date, an order dismissing the murder case against Felipe Codilla.[19]

Both Decierdo and Duhaylungsod entered pleas of "not guilty." Thereafter, the case was set for trial.

On June 20, 1974, Judge Isnani issued an order acquitting Duhaylungsod for lack of evidence.[20]

On October 9, 1974, Judge Isnani rendered the Decision;[21] the dispositive portion reads as follows:

X X X X X X X X

WHEREFORE, appreciating the aggravating circumstances of treachery and that the crime was committed in consideration of a price or reward, without having been off-set by any mitigating circumstance, the Court hereby sentences the accused, PEDRO DECIERDO alias Edoy to the supreme penalty of DEATH, with the accessory penalties prescribed by law, to indemnify the heirs of the victim Emilio Montillano in the sum of TWELVE THOUSAND (P12,000.00) PESOS, without subsidiary imprisonment in case of insolvency and to pay one-half (1/2) costs.

X X X X X X X X

The case is now before us on automatic review.

We reverse.

There is no doubt that the accused's alleged extrajudicial confession is in the nature of an uncounselled confession and hence, inadmissible in evidence. Section 20 of Article IV of the 1973 Constitution applies. It provides:

Section 20. No person shall be compelled to be a witness against himself. Any person under investigation for the commission of an offense shall have the right to remain silent and to counsel, and to be informed of such right. No force, violence, threat, intimidation, or any other means which vitiates the free will shall be used against him. Any confession obtained in violation of this section shall be inadmissible in evidence.

That the aforequoted provision applies has been affirmed in a long line of decisions,[22] the confession in question having been obtained during the effectivity of the 1973 Constitution, although the incumbent Chief Justice of this Court insists that coerced confessions obtained either prior to or after the effectivity of the 1973 Charter are equally inadmissible in evidence.[23]

While the right to counsel is a right that may be waived, such waiver must be voluntary, knowing, and

intelligent.[24] The waiver must furthermore be in the presence of the accused's lawyer.[25]

In the case at bar, Pedro Decierdo was not assisted by a lawyer when he signed Exhibits "A"-"A-25", his supposed confession. Judge Bacarro himself so admitted. On cross-examination, he testified:

X X X X X X X X X

Atty. Cimafranca, P.:

X X X X X X X X X

Q.

Now, but in your investigation, did I heard it right that you advise him that he is entitled to a lawyer?

A.

I asked him orally.

Atty. Cimafranca, P.:

(Continuing)

Q.

But nevertheless he was not assisted by any lawyer?

A.

Because there was no lawyer in Tambulig.

Q

You did not even assign a lawyer to assist him this is for the purpose of investigation?

A.

As I said there is no lawyer on record in Tambulig.[26]

X X X X X X X X

That fact alone (absence of counsel) nullifies the confession.

Indeed, the questioning should have ceased at that precise point, since the government itself was not prepared to provide Decierdo with the services of a lawyer, had Decierdo requested for one. In that event, Decierdo's right to counsel would have been an illusion even if he had been in fact advised of such right.

Furthermore, there is no showing that the accused in fact waived his constitutional rights when he executed, or more precisely, was made to execute, Exhibits "A"- "A-25". The exhibits in question simply declare:

X X X X X X X X

The affiant and accused in Criminal Case No. 699, for MURDER was appraised of his Constitutional Rights under the Republic of the Philippines and the nature of this investigation regarding self-incrimination, taken in QUESTION and ANSWER IN THE ENGLISH LANGUAGE translated into the CEBUANO DIALECT of which he understands and testified as follows:

1. QUESTION:

Did you now understand your Constitutional Rights and the nature of the investigation, which has been explained to you?

ANSWER:

Yes, sir.

X X X X X X X X

In *People v. Pascual*[27] as well as *People v. Broqueza*,[28] we held that the waiver must rest on clear evidence, otherwise, the alleged waiver is void. The records are indeed unclear whether or not Decierdo in fact declined or spurned Judge Bacarro's offer of a lawyer. The judge thus testified:

X X X X X X X X

COURT:

TO WITNESS:

A

I cannot remember what was his answer, Your honor.

Q

Did you not put in writing his answer?

A

It was not placed but I asked him orally.

Q

So you do not know whether the accused before you investigated him give a statement that he want the assistance of counsel?

A

He did not also say that he needs the assistance of counsel.[29]

X X X X X X X X

From this testimony, we are not convinced that the accused made a waiver of his rights.

It is claimed, however, that Decierdo reiterated his confession before Fiscal Baldomero Fernandez upon the reinvestigation of Criminal Case No. 905, before whom he allegedly declined anew the assistance of a lawyer. We quote from Exhibit "C":

X X X X X X X X

INVESTIGATOR:

I am appraising you of your rights under the constitution that you are entitled to the aid of a lawyer even during this investigation, my question is, do you want the assistance of a lawyer during this investigation?

ACCUSED DECIERDO:

No sir.[30]

X X X X X X X X

But assuming that this amounts to a waiver, still, it is an invalid waiver, Decierdo not having been assisted by a lawyer at the time he executed Exhibit "C". Apropos this rule, we held in a recent decision, *People v. Jara*:[31]

X X X X X X X X

Whenever a protection given by the Constitution is waived by the person entitled to that protection, the presumption is always against the waiver. Consequently, the prosecution must prove with strongly convincing evidence to the satisfaction of this Court that indeed the accused willingly and voluntarily submitted his confession and knowingly and deliberately manifested that he was not interested in having a lawyer assist him during the taking of that confession. That proof is missing in this case.[32]

X X X X X X X X

We are not satisfied furthermore that the accused was here apprised of his constitutional rights within the contemplation of the fundamental law. Section 20, Article IV of the 1973 Constitution sets forth, indeed, quite a stringent procedure. So we held in *People v. Caguioa*:^[33]

X X X X X X X X

"x x x Prior to any questioning, the person must be warned that he has a right to remain silent, that any statement he does make may be used as evidence against him, and that he has a right to the presence of an attorney, either retained or appointed. The defendant, may waive effectuation of those rights, provided the waiver is made voluntarily, knowingly and intelligently. If, however, he indicates in any manner and at any stage of the process that he wishes to consult with an attorney before speaking, there can be no questioning. Likewise, if the individual is alone and indicates in any manner that he does not wish to be interrogated, the police may not question him. The mere fact that he may have answered some questions or volunteered some statements on his own does not deprive him of the right to refrain from answering any further inquiries until he has consulted with an attorney and thereafter consent to be questioned."

X X X X X X X X

In *People v. Duero*,^[34] we added:

X X X X X X X X

"At the outset, if a person in custody is to be subjected to interrogation, he must first be informed in clear and unequivocal terms that he has the right to remain silent.

"For those unaware of the privilege, the warning is needed simply to make them aware of it — the threshold requirement for an intelligent decision as to its exercise.

"More important, such a warning is an absolute pre-requisite in overcoming the inherent pressures of the interrogation atmosphere ...

"Further, the warning will show the individual that his interrogators are prepared to recognize his privilege should he choose to exercise it ...

"The warning of the right to remain silent must be accompanied by the explanation that anything said can and will be used against the individual in court. This warning is needed in order to make him aware not only of the privilege, but also of the consequences of forgoing it...

"An individual need not make a pre-interrogation request for a lawyer. While such request affirmatively secures his right to have one, his failure to ask for a lawyer does not constitute a waiver. No effective waiver of the right to counsel during interrogation can be recognized unless specifically made after the warnings we here delineate have been given. The accused who does not know his rights and therefor does not make a request may be the person who most needs counsel...

"If an individual indicates that he wishes the assistance of counsel before any interrogation occurs, the authorities cannot rationally ignore or deny his request on the basis that the individual does not have or cannot afford a retained attorney ...

"In order fully to apprise a person interrogated of the extent of his rights under this system then, it is necessary to warn him not only that he has the right to consult with an attorney, but also that if he is indigent a lawyer will be appointed to represent him ...

"Once warnings have been given, the subsequent procedure is clear. If the individual indicates in any manner, at any time prior to or during questioning, that he wishes to remain silent, the interrogation must cease ... If the individual cannot obtain an attorney and he indicates that he wants one before speaking to police, they must

respect his decision to remain silent...

"If the interrogation continues without the presence of an attorney and a statement is taken, a heavy burden rests on the government to demonstrate that the defendant knowingly and intelligently waived his privilege against self-incrimination and his right to retained or appointed counsel...

"An express statement that the individual is willing to make a statement and does not want an attorney followed closely by a statement could constitute a waiver ...

"The warnings required and the waiver necessary in accordance with our opinion today are, in the absence of a fully effective equivalent, prerequisites to the admissibility of any statement made by a defendant."

x x x x x x x x

And in *Morales, Jr. v. Enrile*,^[35] a decision we affirmed in *People v. Galit*,^[36] we ruled:

x x x x x x x x

7. At the time a person is arrested, it shall be the duty of the arresting officer to inform him of the reason for the arrest and he must be shown the warrant of arrest, if any. He shall be informed of his constitutional rights to remain silent and to counsel, and that any statement he might make could be used against him. The person arrested shall have the right to communicate with his lawyer, a relative, or anyone he chooses by the most expedient means — by telephone if possible — or by letter or messenger. It shall be the responsibility of the arresting officer to see to it that this is accomplished. No custodial investigation shall be conducted unless it be in the presence of counsel engaged by the person arrested, by any person on his behalf, or appointed by the court upon petition either of the detainee himself or by anyone on his behalf. The right to counsel may be waived but the waiver shall not be valid unless made with the assistance of counsel. Any statement obtained in violation of the procedure herein laid down, whether exculpatory or inculpatory, in whole or in part, shall be inadmissible in evidence.^[37]

x x x x x x x x

It is not enough that the accused be informed of his constitutional rights. That is but the first step. It is necessary, in addition, that he be convinced that notwithstanding the fact that he is in "enemy" territory, he is not a doomed man, That is the essence of Section 20 of the 1973 Bill of Rights.

Indeed, the hostile environment of police headquarters (the "police-dominated atmosphere" referred to in *Duero*, supra) or similar venues are enough to overwhelm one, who, out of resignation, may execute a "confession" not truly his own. In *People v. Navoa*^[38] we said that "coercion can be mental as well as physical, and that the blood of the accused is not the only hallmark of an unconstitutional confession." ^[39]

The accused herein is furthermore unlettered, who is unable to spell his surname correctly.^[40] This should have compelled Judge Bacarro to take greater pains in explaining to the accused his constitutional rights.^[41] In *People v. Nicandro*,^[42] we admonished:

x x x x x x x x

When the Constitution requires a person under investigation "to be informed" of his right to remain silent and to counsel, it must be presumed to contemplate the transmission of meaningful information rather than just the ceremonial and perfunctory recitation of an abstract constitutional principle. As a rule, therefor, it would not be sufficient for a police officer just to repeat to the person under investigation the provisions of Section 20, Article IV of the Constitution. He is not only duty-bound to tell the person the rights to which the latter is entitled; he must also explain their effects in practical terms, e.g., what the person under interrogation may or may not do, and in a language the subject fairly understands (See *People vs. Ramos*, 122 SCRA 312; *People*

vs. Caguioa, 95 SCRA 2.) In other words, the right of a person under interrogation "to be informed" implies a correlative obligation on the part of the police investigator to explain, and contemplates an effective communication that results in understanding What is conveyed. Short of this, there is a denial of the right, as it cannot truly be said that the person has been "informed" of his rights. Now, since the right "to be informed" implies comprehension, the degree of explanation required will necessary vary, depending upon the education, intelligence and other relevant personal circumstances of the person under investigation. Suffice it to say that a simpler and more lucid explanation is needed where the subject is unlettered.[43]

x x x x x x x x

The right against self-incrimination expressed in the Constitution is not, indeed, an idle right. It strikes at the very foundations of modern civilization. Time and again this Court has so emphasized. We said in *People v. Alegre y Cerdoncillo*.^[44]

x x x x x x x x

The right or privilege of a person accused of a crime against self-incrimination is a fundamental right. It is a personal right of great importance and is given absolutely and unequivocally. The privilege against self-incrimination is an important development in man's struggle for liberty. It reflects man's fundamental values and his most noble of aspirations, the unwillingness of civilized men to subject those suspected of crime to the cruel trilemma of self-accusation, perjury or contempt; the fear that self-incriminating statements may be obtained by inhumane treatment and abuses, and the respect for the inviolability of the human personality and of the right of each individual "to a private enclave where he may lead a private life."^[45]

x x x x x x x x

But in *People v. Jimenez*,^[46] we spoke in even clearer language:

x x x x x x x x

The history of this constitutional right against compulsory self-incrimination stems from the revulsion of mankind against the abuses committed by the ecclesiastical inquisitions and by the Star Chamber several centuries ago. The privilege against self-incrimination "was aimed at a more far-reaching evil — a recurrence of the Inquisition and the Star Chamber, even if not in their stark brutality. Involuntary confessions had been rejected by all courts not only on the ground of its unreliability but also more important, on humanitarian principles which abhor all forms of torture or unfairness towards the accused in criminal proceedings. Although the constitutional language in which the privilege is cast might be construed to apply only to situations in which the prosecution seeks to call a defendant to testify against himself at the criminal trial, its application has been held to apply to civil proceedings, to congressional investigations, to juvenile proceedings, and other statutory inquiries. In the application of this right, the natural concern is the obvious realization that an inability to protect the right at one stage of a proceeding may make its invocation useless at a later stage. Thus, testimony "obtained in civil suits, or before administrative or legislative committees, could also prove so incriminatory that a person compelled to give such testimony might readily be convicted on the basis of those disclosures in a subsequent criminal proceeding."

In 1966, the Supreme Court of the United States, in the precedent-setting case of *Miranda v. Arizona*, established rules to protect a criminal defendant's privilege against self-incrimination from the pressures arising during custodial investigation by the police. Thus, to provide practical safeguards for the practical reinforcement for the right against compulsory self-incrimination, the Court held that "the prosecution may not use statements, whether exculpatory or inculpatory, stemming from custodial interrogation of the defendant unless it demonstrates the use of procedural safeguards effective to secure the privilege against self-incrimination." x x x^[47]

X X X X X X X X

Incorporating *Miranda v. Arizona*[48] in the Constitution was by no means an effort to copycat American precedents. It was intended to fill a constitutional hiatus under the 1935 Charter. According to the 1935 Bill of Rights:

(18) No person shall be compelled to be a witness against him.[49]

But if section 20, Article IV of the 1973 Charter carried quite an exacting Standard compared to its 1935 predecessor, the 1987 Constitution provides for an even more demanding procedure. Thus:

SEC. 12 (1) Any person under investigation for the commission of an offense shall have the right to be informed of his right to remain silent and to have competent and independent counsel preferably of his own choice. If the person cannot afford the services of counsel, he must be provided with one. These rights cannot be waived except in writing and in the presence of counsel.

(2) No torture, force, violence, threat, intimidation, or any other means which vitiate the free will shall be used against him. Secret detention places, solitary, incommunicado, or other similar forms of detention are prohibited.

(3) Any confession or admission obtained in violation of this or section 17 hereof shall be inadmissible in evidence against him.

(4) The law shall provide for penal and civil sanctions for violations of this section as well as compensation to and rehabilitation of victims of torture or similar practices, and their families.[50]

We have not, after all, built a perfect democracy. "Invitations" for questioning by police agencies, forced "reenactments" of crimes, and coerced confessions are practices that have not perished with the passing of the ancien regime. It is in such proceedings that the guiding hand of counsel becomes truly essential. The fact that the respondent may, in the minds of the peace officers holding him under custody, be truly guilty is of no moment, for if he is, such peace officers are charged to present proof of such guilt. But let that guilt rest on competent evidence, and not from an involuntary admission.

For the time-honored rule is that it is the lesser evil to set a hundred guilty men free than to have one innocent person languish in prison. As humanity enters the threshold of the 21st century, it is indeed unimaginable that the dreaded days of the inquisition should still haunt us. The rights of a human being, no matter how unfortunately circumstanced, deserve full recognition and protection. Only then can we be truly called a civilized society.

The people contend however that Exhibits "A"- "A-25" were executed voluntarily, for which they should be admitted in evidence.[51]

While we have consistently ruled that the Constitution does not envision confessions otherwise voluntarily given,[52] here, we have serious doubts whether Exhibits "A"- "A-25" were the accused's voluntary statements. As we said, the accused was not assisted by counsel. That makes that statement, in contemplation of law, "involuntary," even if it were otherwise voluntary, technically. The accused moreover was arrested, he did not surrender. But what disturbs us is the fact that he was brought to the Tambulig municipal judge for questioning,[53] albeit there is nothing in the records that will show that he wished to see His Honor, least of all to confess to a crime before him. The investigation was moreover witnessed by three policemen, his captor, Pat. Bopadora, being one of them.[54]

Under the circumstances, it cannot be said that the accused volunteered his alleged confession before Judge Bacarro. He was, as it were, brought to His Honor's waiting arms.

We doubt likewise whether or not the one-sentence "advices" embodied in Exhibits "A"- "A-25" and "C-6" satisfy the requirements of the Constitution. We have had occasion to strike down a similar advice. In *People v. Galit*, *supra*, we decreed:

X X X X X X X X

12. Such a long question followed by a monosyllabic answer does not satisfy the requirements of the law that the accused be informed of his rights under the Constitution and our laws. Instead there should be several short and clear questions and every right explained in simple words in a dialect or language known to the person under investigation. Accused is from Samar and there is no showing that he understands Tagalog. Moreover, at the time of his arrest, accused was not permitted to communicate with his lawyer, a relative, or a friend. In fact, his sisters and other relatives did not know that he had been brought to the NBI for investigation and it was only about two weeks after he had executed the salaysay that his relatives were allowed to visit him. His statement does not even contain any waiver of right to counsel and yet during the investigation he was not assisted by one.[55]

Other than the confession in question, the government has no other evidence to support Decierdo's conviction. The witness, Pantaleon Tauto-An, testified but on the injuries suffered by the victim,[56] while the only other witnesses for the people, Judge Gualberto Bacarro, Patrolman Alfredo Bopadora, and Fiscal Baldomero Fernandez all testified on the alleged confession executed by the accused.[57] As earlier noted, the prosecution presented no eyewitnesses. Complete reliance is thus placed on the accused's supposed confession. That confession being inadmissible in evidence, it follows that Decierdo is entitled to an acquittal.

WHEREFORE, the decision is hereby reversed, and the accused Pedro Decierdo is ACQUITTED of the crime charged. His release from confinement is hereby ordered, unless he is held for another legal cause. With costs de oficio.

SO ORDERED.

Teehankee, C.J., Yap, Fernan, Narvasa, Melencio-Herrera, Gutierrez, Jr., Cruz, Paras, Gancayco, Padilla, Bidin, and Cortes, JJ., concur.

Feliciano, J., on leave.

[1] T.s.n., session of March 27, 1974, 3-4.

[2] Exhibit "E", Record, 11; also t.s.n., id. 5-6; 8; 12.

[3] T.s.n., id., 8.

[4] Exhibit "E", id.

[5] Id.

[6] T.s.n., id., 12.

[7] Id.

[8] Record, id., 190-191.

[9] Id., 3.

[10] Id., 69-70.

[11] *Id.*, 72-136.

[12] *Id.*, 5; 6-7.

[13] *Id.*

[14] T.s.n., session of February 18, 1974, 34.

[15] *Id.*, 32.

[16] Exhibits "A" — "A-25", Record, *id.*, 8-12.

[17] Exhibits "C" — "C-6", *id.*, 131-132.

[18] Exhibit "B", *id.*, 124-130.

[19] Exhibits "D" — "D-1", *id.*, 133-134.

[20] *Id.*, 135-145.

[21] *Id.*, 161-199.

[22] *Magtoto v. Manguera*, Nos. L-37201-02; 37424, 38929, March 3, 1975, 63 SCRA 4 (1975); *People v. Jimenez*, No. L-40677, May 31, 1976, 71 SCRA 184 (1976); *People v. Page*, No. L-37507, June 7, 1977, 77 SCRA 348 (1977); *People v. Peña*, No. L-36435, December 20, 1977, 80 SCRA 589 (1977); *People v. Corachea*, No. L-30101, July 16, 1979, 91 SCRA 422 (1979); *People v. Juliano*, No. L-33841, January 28, 1980, 95 SCRA 571 (1980); *Gumaua v. Espino*, Nos. L-36188-37386, February 29, 1980, 96 SCRA 624 (1980); *People v. Duero*, 191 Phil. 679 (1981); *People v. Hipolito*, 193 Phil. 751 (1981); *People v. Crisostomo*, No. L-38180, October 23, 1981, 108 SCRA 288 (1981); *People v. Dela Cruz*, No. L-32661, July 20, 1982, 115 SCRA 184 (1982); *People v. Marino*, No. L-34247, July 25, 1984, 130 SCRA 595 (1984); *People v. Maternal*, No. L-37482, July 25, 1984, 130 SCRA 625 (1984); *People v. Salig*, No. L-53568, October 31, 1984, 133 SCRA 59 (1984); *People v. Puda*, No. L-53841, October 31, 1984, 133 SCA 1 (1984); *People v. Ribadajo*, No. L-40294, July 11, 1986, 143 SCRA 637 (1986).

[23] *Magtoto v. Manguera*, *supra*, at 27, Teehankee, J., Dissenting; *People v. Ribadajo*, *supra*, at 637, Teehankee, C.J., Dissenting.

[24] *People v. Caguioa*, G.R. No. 38975, January 17, 1980.

[25] *People v. Velasco*, No. L-54335, December 14, 1981, 110 SCRA 319 (1981); *Morales, Jr. v. Enrile*, Nos. L-61016, 61105, April 26, 1983, 121 SCRA 538 (1983); *People v. Manalang*, Nos. L-47136-39, July 25, 1983, 123 SCRA 583 (1983); *Makasiar, J.*, Dissenting; *People v. Galit*, No. L-51770, March 20, 1985, 135 SCRA 465 (1985); *People v. Sison*, G.R. No. 70906, March 30, 1986; *People v. Lasac* G.R. No. 64508, March 19, 1987.

[26] T.s.n., session of February 18, 1974, *id.*, 23-24.

[27] No. L-53403, November 12, 1981, 109 SCRA 197 (1981).

[28] No. L-62467, October 31, 1983, 125 SCRA 545 (1983).

[29] T.s.n., session of February 18, 1974, *id.*, 24-25.

[30] Exhibit "C", "C-6", *id.*

[31] Nos. L-61356-57, September 30, 1986, 144 SCRA 516 (1986).

[32] Supra, 531.

[33] Supra, 5.

[34] Supra, at 689-690.

[35] Supra.

[36] Supra, at 473-474.

[37] At 554.

[38] No. L-59551, August 19, 1986, 143 SCRA 513 (1986).

[39] Supra, at 525.

[40] T.s.n., session of February 18, 1974; id., 27.

[41] See *People v. Urro*, No. L-28405, April 27, 1972, 44 SCRA 473 (1972).

[42] No. L-59378, February 11, 1986, 141 SCRA 289 (1986).

[43] Supra, at 298.

[44] No. L-30423, November 7, 1979, 94 SCRA 109.

[45] Supra, at 119; citations omitted.

[46] Supra.

[47] Supra, at 193-194.

[48] 384 U.S. 436 (1966).

[49] CONST. (1935), art. IV, sec. 1 (18).

[50] CONST. (1987), art. III, sec. 12.

[51] Brief for the plaintiffs, Record, id., 160.

[52] *U.S. v. de los Santos*, 24 Phil. 329 (1913); *People v. Duero*, supra; *People v. Ribadajo*, supra.

[53] T.s.n., session of February 18, 1974, id., 19-20.

[54] Id., 20.

[55] At 473-474; see also *People v. Jara*, supra, at 529-530.

[56] T.s.n., session of March 27, 1974, id., 37-55.

[57] T.s.n., session of February 18, 1974, id., 56-124.

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