

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS.
GENARO OBENIA, ROBERTA RASALAN, AND ANSELMO HUGO,
DEFENDANTS AND APPELLANTS; THE PEOPLE OF THE PHILIPPINES,
PLAINTIFF ...**

G.R. No. L-4218-19. May 19, 1952

Ponente: LABRADOR, J.

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LABRADOR, J.:

This is an appeal from a judgment of the Court of First Instance of Quezon in the above-entitled case finding the defendants-appellants Genaro Obenia, Roberta Rasalan, and Anselmo Hugo guilty as co-principals for the murder of Emilio Andaya, and defendant-appellant Domingo Abris guilty as accomplice to said crime, and sentencing them accordingly.

On January 19, 1943, at around four in the afternoon, Emilio Andaya, a resident of Tayabas, was arrested in the barrio of Langca by men under defendant-appellant Anselmo Hugo, a Huk leader. That same evening, at six, he was brought to the barrio of Alitao, and there put to death under orders of Hugo and buried in a grave which Anastacio Valdez and Jesus de la Cruz had been ordered to dig for the purpose. Andaya was around 85 years old and was married to Roberta Rasalan, 49 years old, one of the defendants-appellants. The deceased was a sort of quack doctor who went from place to place, using a black coin with which he pretended to cure his patients.

The Constabulary set out to apprehend the persons responsible for the crime, and in the month of March Anastacio Valdez, Roberta Rasalan, and others were arrested and subjected to investigation, but they were later released. Defendants-appellants, including Anastacio Valdez, were apprehended for the second time by the end of May, 1948. This time Anastacio Valdez disclosed that Andaya was killed and buried in the barrio of Alitao in the month of January, 1948. He indicated the place of burial, and the remains of Andaya were exhumed. These were duly identified by his heirs and widow. On June 2, 1948, Anastacio Valdez subscribed to an affidavit implicating all the defendants-appellants herein. Roberta Rasalan and Domingo Abris also signed confessions, but not Hugo and Obenia. In her statement, Exhibit F, Rasalan declared that she and Obenia had agreed to hire Abris to kill Andaya. In his own, Exhibit G, Abris declared that he had been hired by Obenia and Rasalan to kill Andaya by the system known as paraya, but that this was not carried out, so he brought Andaya to Wakas and delivered him to Hugo, who caused his death.

According to Anastacio Valdez, principal witness for the prosecution, the murder was committed on January 19, 1948, in the following manner: that he was called by Hugo and Abris to the sitio of Alitao in the barrio of Wakas, and once there he and Jesus de la Cruz were ordered to dig a grave; that at about six o'clock in the evening Andaya was brought by Hugo and Obenia to the place where the grave was, his hands tied behind his back; that thereupon Hugo strangled him (Andaya) to death, while Abris held him by the waist and Obenia by the forehead; that Andaya was then thrown into the grave, after which Obenia paid Hugo two suits and P15; and that Hugo and his companions warned Valdez not to tell any one about what had happened. The above testimony of Anastacio

Valdez is sought to be corroborated (1) by the written confessions of Domingo Abris, Exhibit G, and Roberta Rasalan, Exhibit F, both of which are sworn to before the clerk of the Court of First Instance, and (2) by the plea of guilty, Exhibits E and D, that all the defendants (except Abris) entered in the justice of the peace court at the preliminary investigation.

Hugo admitted having ordered the killing, but pleaded the defense of amnesty, testifying that the deceased Emilio Andaya was a spy hired by the MPs; that their superior officer, Colonel Absalon, ordered Andaya's arrest because of information that Andaya was an MP spy; that upon being arrested, Andaya was brought to Wakas to him (Hugo), and that thereupon he (Hugo) sent Obenia, the Huk courier, to Colonel Absalon to report the arrest; that at six o'clock orders were received from Absalon to put Andaya to death; that as he questioned Andaya the latter admitted having ordered the arrest of Melchor Naynes and Lucio Aresa, deceased, and further threatened to have them arrested by the MP; that thereupon Valdez and Willie hit Andaya in the neck with a piece of wood, and Andaya fell down; that Valdez also kicked Andaya in the groin, and thereafter Andaya died and was buried in the grave dug by Valdez and De la Cruz, Hugo denied having known Andaya's wife, or that he had received the supposed reward from Obenia for the killing of Andaya, explaining further that Obenia was not present at the time of the killing, because he had sent him to Absalon to report the arrest. He further declared that Abris was also not present at the killing, and that he came to know him only in jail.

Obenia denied the imputation that he was present at the killing. He declared that that afternoon at four, after Andaya's arrest, he was sent to Absalon to report the arrest, but that he was detained by Absalon for another errand the following day. He further denied that he was the paramour of Roberta Rasalan, although he admitted that his house and that of Rasalan were near each other. As to Andaya, he said he knew him because Andaya had been following him, suspecting him to be a Huk, with the intention of having him arrested by the MP.

Both Hugo and Obenia claim the benefits of the Amnesty Proclamation (No. 76), and have submitted their respective applications on July 29 and 30, 1948, therefor, favorably endorsed by the Committee on the Implementation of Amnesty Proclamation No. 76 (Exhibits 1-Hugo, 1-A-Hugo, and 2-Hugo; Exhibits 1-Obenia, 2-Obenia, and 3-Obenia).

Abris denied having had anything to do with the arrest of Andaya, or with his death, and claimed that he was at his farm the whole day of January 19, 1948, harrowing until five o'clock in the afternoon, when he went to pasture his work animals, and thereafter went to his house. Abris explained that Valdez was angry at him because the land which he was then working had been taken from Valdez and given to him (Abris). He explained that his confession, Exhibit G, was secured by force and violence, and so was his plea of guilty.

Roberta Rasalan also denied having knowledge of the killing of her husband, alleging that when he failed to return home, she reported the matter to the chief of police of Tayabas, who advised her to look for him, and that she did so, and in so doing she fell sick. She further declared that her husband used to go with the MPs, who were his friends. As to her confession, she vehemently affirmed that it was secured by force and violence, and only after she had been beaten badly and threatened; and as to her plea of guilty, she also claimed that it was secured through threats.

The trial court found that the theory of the prosecution is satisfactorily proved by the testimony of Anastacio Valdez, as corroborated by the affidavits of Roberta Rasalan and Domingo Abris, and by their plea of guilty in the justice of the peace court. The main questions raised on this appeal are: (1) Is the evidence submitted sufficient to justify appellants' conviction? and (2) Are the appellants Hugo and Obenia entitled to the benefits of Amnesty Proclamation No. 76?

A careful analysis of the testimony of Anastacio Valdez discloses certain details which make his story illogical

and improbable and, therefore, difficult to believe. On his claim that Hugo and Abris fetched him from his house just to dig the grave, we must take note of the fact that the distance between his barrio, Wakas, and Alitao is nine kilometers, and that no one would go that far to invite a mere grave digger, who could become a witness to the execution and thus expose it to denunciation. Hugo declared that Valdez was a Huk supply officer. If Hugo called Valdez, it must have been because Valdez must have been a Huk himself; and if Valdez was present at the killing, it must have been as one jointly responsible, not an unwilling and innocent grave digger as he claims to be. Valdez also squealed only on the occasion of his second arrest, not on the first. He must have been hiding something from the authorities, otherwise he would have immediately disclosed the crime when he was first arrested in March. These are considerations that argue for Hugo's theory as to the killing, and against Valdez's testimony.

The manner in which Andaya was supposedly killed, according to Valdez, appears to us also unnatural and improbable. Valdez said that Hugo choked Andaya while Obenia held the latter by the head and Abris took hold of his waist. If, as Valdez himself explains, Andaya was brought to the place of the murder with hands tied at the back, for what purpose could Abris have held Andaya by the waist and Obenia by the forehead? And for what reason would Hugo choke Andaya, if he had a .45 caliber pistol with which to give easily his victim the coup de grace? Valdez gives no reason or explanation for this peculiar manner in which Andaya was put to death. Neither does he state in what position Andaya was while he was being choked to death, whether in a standing or in a lying position. These are circumstances that also cast doubt on Valdez's trustworthiness. On the other hand, Hugo stated that as he questioned Andaya, the latter admitted having pointed out two Huks to the MP, and further threatened to have his captors arrested, and that because of this insolent attitude Valdez and one Willie hit him in the neck with a piece of wood, causing him to fall down near a copra drier. This account appears more natural, more probable, and more worthy of credit than the fantastic story given by Valdez. Valdez must have been a Huk himself, a co-participant in the killing, and his story colored to suit his purpose and to relieve himself from responsibility. This is the practice of accomplices or conspirators, whose testimony should be received with caution. (U.S. vs. Ocampo, 4 Phil, 400; U.S. vs. Butardo, et al., 9 Phil. 246; U.S. vs. Granadoso, 16 Phil., 419; U.S. vs. Bernaldes, 18 Phil., 525; U.S. vs. Remigio, 37 Phil., 599.)

Valdez's assertion that Obenia was the paramour of Rasalan (t.s.n., pp. 6-7), when he came to know Obenia only on January 19, 1946, when Andaya was killed, and that all he had seen of Obenia and Rasalan is that they were together (Ibid., p. 21), indicates a proneness on his part to jump at conclusions without sufficient basis. To reinforce this supposed relationship between Obenia and Rasalan, Valdez asserted at the trial that Obenia paid Hugo two suits and P15. But this important detail is significantly absent in Valdez's affidavit, Exhibit 1-Abris. So important a detail, if true, could not have been omitted in Valdez's testimony. This omission indicates that the supposed paying of the price for the killing must have been a last-minute concoction to bolster the case of the prosecution in order to assure appellants' conviction, who were claiming amnesty because they were Huks.

The volubility of Valdez, his proneness to change details to suit his purpose, are also apparent throughout his entire testimony. In his direct examination, he declared that it was Hugo and Abris who fetched him from his place in the barrio of Wakas (t.s.n., p. 3). On his cross-examination, he said it was Abris and his companion, not naming the latter (Ibid., p. 27). Lastly, he contradicted himself again, saying:

"A. It was not Domingo Abris. It was Anselmo Hugo and the other one (t.s.n., p. 40).

As to the person who fetched Andaya and the one who was left to watch the grave digging, no sooner had Valdez said one thing than he immediately said another, thus:

"A. When we had already dug deep enough, Domingo Abris and Anselmo Hugo fetched Emilio Andaya and brought him to the place where we were digging after he was choked.

"Q. Do you mean to say that while you were digging that grave, both Anselmo Hugo and Domingo Abris left you in order to fetch Emilio Andaya?

"A. Genaro Obenia and Anselmo Hugo left and Domingo Abris was left watching me digging." (t.s.n., p. 38; italics supplied)

On the respective positions of Obenia and Abris as to the person of the victim, Valdez at first said that Obenia held Andaya by the head (Ibid., p. 5), but at the next breath he contradicted himself, saying that Obenia was holding Andaya by the waist (Ibid.).

Again, when he realized that his testimony in court did not fit in with his sworn declaration, Exhibit 1-Abris, he immediately repudiated said exhibit on the ground that the thumbmark thereon was not his own (t.s. n., p. 35). it is well to remember that all these discrepancies and improbabilities were made by Valdez notwithstanding the fact that before he testified in court he had been previously rehearsed, thus:

"Q. The truth is, somebody coached you before you testified now that Emilio Andaya was killed on January 19, 1948, is it not?

"A. That is true. (t.s.n., p. 37)"

The above considerations refer to the testimony of the principal witness for the prosecution, upon which the court a quo principally based its finding of guilt. Let us now examine the confessions of the appellants Roberta Rasalan and Domingo Abris, with which the trial court considers the doubtful testimony of Valdez to be corroborated. Roberta Rasalan explains the manner in which her confession was taken from her in the following manner:

"A. Two MPs were on ay sides, and they boxed me on my sides, and I suffered the pain on my ribs, (t.s.n., p. 108)

"A. I had been maltreated by the MPs in the room, and they wanted me to admit what appears in the affidavit of Anastacio Valdez. After I had agreed to it. I was brought before Sgt. Amat who was typing, (t.s.n., p. 108)

"A. No, sir. The room where I was maltreated was located at another place. After I had been maltreated there, and they had required me to admit what appears in the affidavit of Anastacio Valdez, I was brought to the office of Sgt. Amat." (t.s.n., p. 109)

As to Domingo Abris, the same method used on Roberta Rasalan was utilized. Abris testified that the MPs wanted that he should admit the manner in which Andaya met his death, that is, in accordance with the affidavit of Anastacio Valdez, and that as he insisted that he did not know Emilio Andaya, the MPs gave him fist blows, aimed their pistols at his back, kicked him with their shoes on, until he finally gave up and consented to admit what they wanted, because he wanted to save his life (t.s.n., pp. 130-131). We can not close our ears to the stories of maltreatment used to extort the confessions in question. Courts are not unaware that some officers of the law resort to illegal and reprehensible tactics to extort confessions, and had had occasions to express condemnation of such tactics. (People vs. Tipay, 74 Phil. 615; People vs. Carillo, 85 Phil. 611).

The evidence submitted by the prosecution to rebut the above testimony of Rasalan and Abris consists of the testimony of Sergeant Amat, to the effect that when he took down Rasalan's statement, there was no force, intimidation, or threat used. This testimony may be true, but it does not destroy Rasalan and Abris's claim that they were forced to make the statement by beating, kicking, and other modes of maltreatment, which took place in a room different from the office of Amat, and no evidence was given by the prosecution that Rasalan was relieved of the fear caused by the maltreatment and threats used upon them before they went to the office of Amat to make their statements. (U.S. vs. Mercado, 6 Phil., 332.)

The prosecution also introduced the clerk of court, before whom the confessions were sworn to, to testify as to their supposed voluntariness. It will be seen, however, that just before Rasalan and Abris were brought to him for the oath, they had already been previously warned that if they would not admit that their statements are true and correct, and thereby put the MPs to shame, they would be killed in the coconut grove. When the clerk of court, therefore, took their oath, as he did not ask them if they had not been forced to make their confessions or affidavits, and only limited himself to asking if the questions and answers therein were correct, Rasalan and Abris were still under the influence of the threat that the MPs, who had brought them to the clerk of court, had made. There is also no witness or evidence introduced by the Government to refute or deny the supposed threats made upon Rasalan and Abris prior to swearing their confessions.

We do not, however, rely solely and only on the declarations of the appellants in arriving at our conclusion that the same were obtained through force and violence. The facts contained in the confessions, especially the hiring of Abris or Obenia, fully represent the theory of the police as to the motive for the crime. A guilty person seldom admits his guilt fully and completely; he has a tendency to explain away his conduct, or minimize his fault or crime or shift the blame on others. This tendency is apparent in Valdez's confession and in his testimony. This tendency is absent in the confessions, and its absence tends to show that the statements therein contained were not their free and voluntary statements, but what the police wanted them to state to support its theory. The similarity between the statements and those of Valdez is to us also proof to the same effect.

We are, therefore, inevitably led to the conclusion that while the prosecution had accredited prima facie the voluntariness of the confessions, Rasalan and Abris's testimonies proved the contrary to our satisfaction.

Another evidence which has been considered by the trial court as corroborating Valdez's testimony is the plea of guilty entered by the appellants in the justice of the peace court. In connection with this plea, it is to be noted that the justice of the peace read the complaint, translated it to them, and asked for their answer, without giving them counsel, or telling that they had the right to be advised by counsel before pleading. After that, he called upon his clerk, and in open court he prepared the petition which he made them sign. We note that the justice of the peace wanted to rush the sending of the case to the Court of First Instance. We also note that when the appellants were brought to the justice of the peace, they were still confined in the MP stockade (*U.S. vs. De la Cruz*, 2 Phil., 148), and there is no evidence that they had already been relieved of the fear of further maltreatment impelled by the beating and the threats received at the time of the making and swearing of their confessions. There is no reason, therefore, from excluding this plea from the objection to which the confessions were subject, in so far as Roberta Rasalan and Domingo Abris are concerned.

It is thus seen that the evidence upon which the findings of the court a quo are based is open to grave suspicion and doubt both as to weight, as well as to admissibility. The testimony of the only witness, himself an accomplice, is contradicted in all its parts by that of the defense, and only stands unimpeached as to the fact of the killing of the deceased by Hugo. The supposed participation of Obenia and Abris in the murder is denied by Hugo himself, the Huk responsible for the killing; and the supposed motive for the killing, as contended by the prosecution, has nothing to stand upon, as the confessions, Exhibits F and G, have been found to be made through force and threats, and, therefore, inadmissible. As there is no evidence to corroborate Valdez's testimony against them, Roberta Rasalan and Domingo Abris are entitled to an acquittal. (*U.S. vs. Manabat and Simeon*, 42 Phil. 569; *People vs. Agcaoili*, [1] G. R. No. L-2085, June 6, 1950.)

As to Hugo and Obenia, the defense admits that the killing was made under Hugo's responsibility, and that Obenia participated therein only by acting as the courier who brought news of the arrest to the Huk commander Absalon, who ordered the victim's execution. The evidence submitted by Hugo, however, fully satisfies us that the deceased Andaya, who had previously been a Huk himself, was a spy, who was continuously in touch with the MPs,

received money from them, and actually caused the arrest of two Huks, one of whom was killed. His execution by order of the Huk command should be considered, under Amnesty Proclamation No. 76, as an act incident to or in furtherance of the commission of the crimes of rebellion or sedition, and, therefore, covered by its provisions. (People vs. Valdez,[2] G. R. No. L-1795 & 1796, May 23, 1949, 46 Off. Gaz. [Supp. No. 11] 103.) As both Hugo and Obenia have duly filed their applications in time, they are entitled to the benefits of the amnesty, although they were already under detention (their arrest took place around June 2, 1948) when the amnesty was proclaimed. (Tolentino vs. Catoy,[3] G. R. No. L-2503, December 10, 1943, 46 Off. Gaz. (4) 1578.)

Wherefore, the judgment appealed from is reversed, and appellants Roberta Rasalan and Domingo Abris are absolved on the ground that their guilt has not been proved beyond reasonable doubt, and appellants Anselmo Hugo and Genaro Obenia are also hereby declared absolved from all responsibility pursuant to the provisions of Amnesty Proclamation No. 76, series of 1948. So ordered with costs de oficio.

Paras, C. J., Feria, Pablo, Bengzon, Tuason, and Bautista Angelo, JJ., concur.

[1] 86 Phil., 549

[2] 83 Phil., 650

[3] 82 Phil., 300

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