

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
RONALD TANCHICO Y PABLO, DEFENDANT-APPELLANT.***G.R. No. L-32690. October 23, 1979*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/d26aa9ec7830/>**PER CURIAM:**

Automatic review of the judgment of the Court of First Instance of Rizal, Branch IV, Quezon City, in Criminal Case No. Q-6821, finding the accused, Ronald Tanchico y Pablo, guilty beyond reasonable doubt of the crime of Murder, and sentencing him to suffer the extreme penalty of death,[1] and to indemnify the heirs of the deceased, Mrs. Andrea de la Cerna de Tuazon, in the amount of P6,000.00.

It is not disputed that in the morning of January 7, 1966, the remains of Mrs. Andrea de la Cerna de Tuazon were found in an isolated and uninhabited place within the Doña Juana Subdivision in Quezon City.

Dr. Jane Payumo Misa, the NBI Medico-Legal Officer who performed the autopsy on the cadaver of the victim, testified that the body of the deceased was "carbonized" with first degree burns in the skull, face, neck, anterior and posterior chest wall, and the whole of the abdominal region and the back; while the upper extremities as well as the lower extremities sustained second degree burns. The body sustained ten (10) stab wounds. The first stab wound with an aperture of 0.5 x 0.2 cm., oblong in shape, with contused edges, was located in the left chest, anterior aspect at the level of the 1st intercostal space, and 2.5 cms. from the anterior median line, its long axis oriented obliquely upwards and downwards, penetrating the first cavity and perforating the antero-medial portion, upper lobe of the left lung to an approximate depth of 13 cms.. The second stab wound with an orifice of 0.5 x 0.2 cm., oblong in shape, with contused edges, was located at the left chest, anterior aspect, 2 cms. below the first stab wound, 4.3 cms. from the ante-rior median line, running horizontally and slightly downwards, directed posteriorly, horizontally and medially, penetrating the thoracic cavity through the upper lobe of the left lung, with an approximate depth of 8 cms.. The third stab wound, with a vent of 0.5 x 0.2 cm., oblong in shape, with contused edges, was located on the left chest, anterior as-pect, at the level of the 3rd rib and 2.8 cms. from the anterior median line, its long axis oriented backwards and downwards directed medially slightly upwards and backwards, penetrating the first cavity at the 3rd intercostal space, grazing the lower border of the 3rd rib and penetrating the upper lobe of the left lung at an approximate depth of 8 cms. The other seven (7) stab wounds had similar points of entry and direction. According to her, the afore-cited ten (10) stab wounds were all fatal and could have been caused by an icepick (Exhibit "L"). She also declared that the victim died before her body was burned.

Bienvenido Aquino, a security guard of the Bureau of Public Works in Manila, also testified that after he left his house at the Doña Juana Rodriguez Subdivision, Balara, Quezon City, at about 10:30 a.m. on January 7, 1966, and while aboard a jeep with his brother-in-law cruising towards Commonwealth Avenue of said city, he noticed a car with a blue body and white top parked along a secluded spot near a road in the Doña Juana Subdivision. Standing beside the open luggage compartment of the car was a man of regular build, about 5 feet and 4 inches in height, with brown complexion, long hair, and wearing a white polo shirt. As their jeep came nearer the car, the man closed the luggage compartment and hurriedly drove away, taking Road 2 (shown in the sketch, Exhibit

"AA"). He later identified this man to be appellant Ronald Tanchico. When he returned to his house thirty minutes later, he was met by his son who informed him that something was burning near their house. Proceeding immediately to the place indicated, he saw, at about two (2) meters beyond the road's gutter, the thick cogon grass burning. After fetching several cans of water, he succeeded, with the assistance of his wife and children, in putting out the blaze.

In the middle of the burnt cogon, he saw the remains of a woman lying on the ground, face up-wards with her hands raised. The feet were badly charred. After reporting the matter to the Detective Bureau of the Quezon City Police Department, a police team composed of Patrolmen Rodolfo Garcia, Sta. Maria, Pascual Mangahas and Godofredo Ruiz proceeded to the place to investigate the incident, arriving there at about 11:30 that same morning. The investigators found, a short distance from the cadaver of the victim, a pair of step-ins, a coin purse, a rosary with metallic beads, a pair of surgical gloves, a pair of sunglasses, a handkerchief, and a cash voucher bearing the names of Mrs. Andrea Tuazon and Amando Calleja. Among the persons whom the investigators questioned at the place where the remains were found was Demetrio Cuales, a rural policeman in the Doña Juana Subdivision. Demetrio Cuales informed the investigators that between 11:00 and 11:30 that morning, he saw a car with a light blue body and white top cruising on a bumpy road near Commonwealth Avenue, driven by a man whom he identified to be appellant Ronald Tanchico, and sitting beside the driver in the front seat of the car was a slightly stout woman. After he returned to his place of work, he was informed by the son of Bienvenido Aquino that a woman answering the description of the said woman was being burned in the cogon fields. He further revealed to the police investigators that he could recognize the man if he were to see him again. At the police headquarters, this witness identified appellant as the man whom he saw driving the light blue car with a woman passenger along Commonwealth Avenue that morning. Both Bienvenido Aquino and Demetrio Cuales executed written statements at the police headquarters that same day.

To ascertain the identity of the victim, Pat. Garcia and the other investigators tried to contact the persons whose names appeared in the cash voucher. Upon discovering that Architect Amando Calleja was one of those mentioned in the voucher, they immediately proceeded to his place. From there, they were directed to the house of Mrs. Andrea Tuazon. The investigators found out from the children of Mrs. Andrea Tuazon that some of the articles recovered at the scene of the fire belonged to their mother and the last time they saw their mother was when she left their house at 8:30 in the morning of that same day.

Perpetua Dejarno, a maid of the Tuazons, told the police that it was appellant Ronald Tanchico who fetched Mrs. Tuazon early that morning and drove her away in his car. She also identified the step-ins, the coin purse, the rosary, the handkerchief and the pair of sunglasses found near the cadaver as those which Mrs. Tuazon was wearing when she left with the appellant.

Nilo Tuazon, a son of the deceased, who identified the remains of his mother at the Quiogue mortuary, recalled that appellant Tanchico was very close to their family as Estrella Esquivel, wife of appellant, was brought up as a member of their family, and when Estrella married the appellant, his mother acted as the wedding sponsor. He also testified that his mother used to extend loans to appellant, who was engaged in building construction, to assist the latter in the funding of his business.

While the police were still in the residence of the deceased, appellant Ronald Tanchico appeared, purportedly looking for Mrs. Tuazon. When questioned by the police, he admitted that he was with the deceased earlier that morning, but claimed that afterwards they separated and he did not know where she went.

Appellant Tanchico was then taken to the police headquarters at about 5:30 p.m.. Upon noticing some injuries on his right knuckles and scratches on his arms and cheeks, Pat. Garcia inquired from Tanchico how he sustained

them. Appellant explained that the injuries on his knuckles were sustained in an accidental fall in their bathroom but he could not, however, account for the scratches found on his arms and cheeks. At about 6:15 p.m., Pat. Garcia took Ronald Tanchico to the scene of the crime. Upon being questioned at the scene of the fire, Tanchico admitted that he stabbed Mrs. Tuazon and then burned her to death. He further admitted taking her bag and that finding P40.00 inside it, he took the money and spent P20.00 of it. The balance he turned over to the investigator. He was brought back to the police headquarters at about 6:30 p.m., and after he was given some refreshments, he gave his statement. When he was informed that he had a right to the assistance of counsel and he could call for a lawyer to assist him, Tanchico refused, saying that he does not need the assistance of a lawyer.

In his aforesaid statements (Exhibits "A", "A-1" to "A-5"), Tanchico narrated that the deceased was one of his marriage sponsors; that being a building contractor, he had borrowed from her two loans of P5,000.00 each to finance the construction of two houses for his customers; that although he had already paid to the deceased the amount of P9,700.00, she insisted that he still owes her the sum of P6,500.00; that on January 5, 1966, the deceased called him up by phone warning him that if he could not pay her his debt, she would file a case against him in Court; that on the following day, or on January 6, 1966, he called her by phone pleading for a thirty-day extension within which to settle his obligation but she refused; and that he, therefore, promised to pay her on January 7, 1966 at the house of one of his customers from whom he could get the money. It was, however, his intention to take her to the dumping grounds at Commonwealth Avenue, kill her and then bury her there.

In connection with his aforesaid plan, he bought an icepick from a store in Quiapo, Manila, and in the early morning of January 7, 1966, he brought with him on his way to the house of the victim a pair of rubber gloves used by his mother-in-law in dyeing her hair. He also purchased two cans of paint thinner and a pick axe and placed them in the trunk of his car.

He arrived at the house of the deceased at about 8:00 a.m.. The deceased asked him to take her first to the house of one Mrs. Medina at 15th Avenue, Quezon City. From there, they proceeded to the house of Commander Javier at Cambridge Street to see the cabinet which she delivered, and from that place proceeded to Commonwealth Avenue. At an uninhabited place, he parked the car near a tree. When they got out of the car, he asked her not to insist in collecting his debt and when she refused, he boxed her, hitting her at the bridge of the nose. This accounted for the injuries on his knuckles. She began to shout as she fought back, scratching him on the neck and face. Infuriated at her actions, he stabbed her with the icepick several times on her chest. He then dragged the body and hid it inside the thicket and then returned to his car to get the pick axe. It was at this juncture that he saw a jeep approaching the place where he was, so he hurriedly closed the trunk and drove his car away. After cruising around the place for a while, he returned to the spot where he had left the deceased. He poured the paint thinner on the body of the victim and lighted it with a match. He then took the bag of the victim to get the promissory notes which he had asked her to bring with her that morning and then proceeded to his house at San Marcelino Street, Manila, after throwing away the empty cans of paint thinner and the icepick at the garbage dumping ground at Scout Torillo Street. Upon opening the bag, he found two P20.00 bills inside but the promissory notes were not there. After getting the money, he threw the bag into the "estero" near the Adamson University bridge at San Marcelino St. where it was carried away by the current. He then brought the car to be washed at the gasoline station at San Marcelino Street.

After his extrajudicial statement was typewritten, it was presented to appellant Tanchico for signature who, after reading it, made some corrections on items 13 and 43 and then he affixed his signature thereon. Pat. Garcia then called up City Fiscal Cortez to inform him that the suspect in the killing perpetrated in the Doña Juana Subdivision had been identified and had executed a statement on the matter.

When Fiscal Cortez arrived in the Office of the Chief of Police in the early morning of January 8, 1966, he

questioned appellant Tanchico on the crime in question. The appellant admitted to him the commission of the crime, as well as the veracity of the statements he made in his extrajudicial confession (Exhibits "A", "A-1" to "A-5"). In the presence of Capt. Diego, Lt. San Jose and some press photographers, Ronald Tanchico subscribed under oath the veracity of his statements before Fiscal Cortez. When he was asked by the Fiscal if he would be willing to re-enact the crime, Tanchico readily acceded. According to Fiscal Cortez, when they arrived at the scene of the incident, Tanchico voluntarily re-enacted the crime. Appellant even demonstrated how he opened the can of paint thinner with the pick axe, soaked the body of the victim with the inflammable liquid and the manner in which he ignited the body of the victim with a lighted match. According to Fiscal Cortez, some objects found at the scene of the crime, such as the rubber gloves and the dark glasses, were identified by the accused. He even described to the Fiscal the shoes, pants and shirts, which he wore at the time of the commission of the crime.

Appellant also showed to the police investigators the route which he took after he had committed the crime - from the scene of the crime to his house at San Marcelino Street, Manila. Thus, in company with the police investigators, from Commonwealth Avenue they proceeded to the elliptical road, turning right to Quezon Boulevard Extension, thence to West Avenue, turning left to South Avenue, then to Scout Torillo Street where the investigators recovered the icepick. They failed, however, to recover the two empty cans of paint thinner which appellant claimed to have dumped in the said place. After the re-enactment of the crime, appellant was then brought to the Office of Fiscal Halili where he executed a supplemental statement.

At the trial, appellant Ronald Tanchico denied involvement in the crime. Testifying on his own behalf, appellant declared that at about 7:00 o'clock in the morning of January 7, 1966, he went to the residence of Andrea Tuazon at Lantana Street, Cubao, Quezon City, in response to her telephone call. Upon arriving at her house, he was told by Andrea Tuazon that they are going to the house of Mrs. Medina at 15th Avenue, Quezon City. They arrived at the place of Mrs. Medina at about 8:30 o'clock that morning. Upon being informed that Mrs. Medina was not there and after staying there for about five to ten minutes, they proceeded to the place of one Antonio Javier at Cambridge Street, Cubao, Quezon City to inspect some cabinets. From there, they drove to the corner of Cambridge and Aurora Blvd. where Mrs. Tuazon alighted, after telling him that they should meet again at about 3:00 o'clock of that date. He then proceeded to the GSIS building in Manila to work on the application for loan of his wife, and after transacting his business he went home.

At about 3:00 o'clock in the afternoon, he went to the residence of Mrs. Tuazon but upon entering the house he was met by two men who brought him immediately to the headquarters of the Quezon City Police Department. Upon arriving at the police headquarters, he was immediately subjected to karate and fist blows for about ten minutes by about six detectives, after which he was forced to sign a prepared typewritten statement. Although at first he refused to sign it, he subsequently agreed after receiving "another wave of maltreatment". Upon further questioning, appellant admitted that he participated in the re-enactment of the crime at about 10:00 o'clock in the evening of January 8, 1966, and that during the re-enactment several pictures were taken of him.

Two detention prisoners, Domingo delos Santos and Isaac Nala, testified for the defense and declared that while they were confined in their detention cell in the afternoon of January 7, 1966, they saw appellant Ronald Tanchico inside the Investigation Room being maltreated by the police. It appeared, however, during the ocular inspection that it was impossible for any person inside the detention cell to see anyone in the investigation room of the Detective Bureau of the Police Department, where according to appellant Ronald Tanchico he was investigated by the police on that date and time in question. Thus, during the ocular inspection, the Presiding Judge stood between the door of the detention cell and the hallway and found that it was impossible to see even the door of the investigation room, much less the inside premises of the investigation room, because there was a partition blocking the line of sight.

The next witness for the defense was Paz Zate, a co-employee of the wife of appellant. She testified that between 10:00 and 11:00 o'clock in the morning of January 7, 1966, she saw appellant at the premises of the GSIS building. She declared that appellant's purpose in going to the GSIS was to follow up the mortgage loan application of his wife, Estrella Esquivel. According to this witness, appellant approached her for the signature of Mr. Diaz, head of the Loans and Investment Department, as Mrs. Zate had the loan papers, but Mr. Diaz was out so Tanchico left at about 11:00 o'clock in the morning.

In rebuttal, Benjamin Enrile of the GSIS declared that according to the records of the Real Estate Department, the loan folder of Estrella Esquivel was not released prior to January 7, 1966 as it was only acted upon by the Manager of the Real Estate Department and released for transmittal to the Office of the General Manager of the Loans and Investment Department only on January 27, 1966. This indicated that the folder could not have been released to the witness, Paz Zate, prior to January 27, 1966.

Pat. Rodolfo Garcia, another rebuttal witness, denied the use of violence to secure the confession of the appellant. He stated that all the written statements were given voluntarily by the appellant and the re-enactment of the crime was made by appellant in the presence of newspapermen and photographers who took pictures of the different stages of the re-enactment.

There are facts and circumstances which render untenable the claim of appellant that his extrajudicial confession was extracted through compulsion and duress. Appellant's confession is replete with details of the actual preparation and commission of the crime which only he could have known. For instance, the investigators could not have been aware that appellant had two long overdue accounts with the deceased; that the deceased insisted that she be paid said amounts immediately in full or else she would file court action against him; that in pursuance of his plan to kill the deceased, he purchased an icepick and paint thinner which he brought along with him, together with a pick axe and a pair of surgical gloves; that during their drive to Doña Juana Subdivision, he tried to persuade the deceased for another extension within which to pay the loan and when she refused he struck her with his fist, hitting her on the bridge of her nose causing injuries to his knuckles; that he sustained scratches on his face, arms and chest as a result of the struggle offered by the deceased. He then stabbed her with the icepick and then brought the body of the deceased to the isolated dump site where he burned the cadaver. He even related that when he tried to get the pick axe from the compartment box of his car he saw a jeep coming, which happened to be the jeep of prosecution witness Bienvenido Aquino, and because of this he hurriedly drove his car away. He only returned to the dump site to burn the body of the deceased when nobody was around.

It is equally important to note that appellant, before signing his extrajudicial confession, made some corrections thereon on his own handwriting. The contention of appellant that his extrajudicial confession is involuntary is not credible, considering that appellant affirmed under oath, without making any complaint, the veracity of his extrajudicial confession and even re-enacted his commission of the crime in the presence of photographers and newspaper reporters.

Appellant's claim that he was subjected to fist and karate blows by the police is further belied by other circumstances. First, the finding of the Medico-Legal Officer of Quezon City, who examined physically appellant during his detention, revealed that the appellant had no body contusions as he had only fingernail scratches on his face, arms and chest and a slight injury on the right hand. Second, the fact that according to the ocular inspection conducted by the trial judge, it was physically impossible for the two corroborative witnesses of appellant to see what was actually going on inside the investigation room where appellant was allegedly maltreated.

As argued by the Solicitor General, prescinding from the facts narrated in the extrajudicial confession (Exhibits "A", "A-1" to "A-5"), there are facts and circumstances which point to appellant as the perpetrator of the offense.

The appellant was the only one known who had the motive to kill the victim. He admitted he had financial obligations to the deceased which the latter demanded to be settled in full in the morning of January 7, 1966, otherwise she will file charges against him. Appellant bought two gallons of paint thinner early in the morning of January 7, 1966, after which at about 8:00 a.m. he picked up the deceased from her residence in his car. Later that same morning Demetrio Cuales, a farmer and rural policeman, saw appellant driving a light blue car with white top along a bumpy isolated street in Doña Juana Rodriguez Subdivision near Commonwealth Avenue. Appellant was with a stout woman who was sitting beside him in the front seat of the car. It was shown that the deceased was a stout woman. About thirty minutes later, Bienvenido Aquino, a security guard of the Bureau of Public Works living at the subdivision, while driving a jeep towards Commonwealth Avenue, saw appellant standing behind the open baggage compartment of a parked car near the site of the crime. Appellant, upon seeing this witness, hastily closed the luggage compartment, boarded the car, and drove away. At about 10:00 a.m. that day, his son informed him about a person being burned under a tree. Upon going to the place, Aquino, his wife and his son saw the remains of the deceased burning. It was thru their efforts that they were able to quench the fire. The remains of the deceased were found severely burned apparently by a highly combustible material. Near the remains of the victim was found a pair of sunglasses. During the investigation, appellant admitted the sunglasses to be his although at the trial he retracted this admission and denied ownership thereof. Appellant when brought to the scene of the crime by the investigators wept and admitted that he killed the victim. This admission was followed by his re-enactment of the crime. According to City Fiscal Justiniano P. Cortez, appellant re-enacted how he first boxed the victim on the nose, after which he drew an icepick and stabbed the victim several times. He also demonstrated how he poured the paint thinner over the prostrate body of Mrs. Tuazon and how he lighted a match stick and threw the lighted match on the body of the deceased. These are shown by the pictures taken of the demonstration (Exhibits "B-1", "B-2" and "B-13").

In the light of the foregoing evidence, the defense of alibi of appellant is unavailing. The defense of alibi can be availed of only where there is no clear evidence of the presence and participation of the defendants in the crime charged against them, and it is impossible for them to be physically present at the scene of the crime at the time it was committed.[2]

But in the case at bar where there is clear evidence of the presence and participation of the appellant in the crime charged, and the place where he claimed to have been is less than an hour's drive by car from Quezon City where the crime was committed, and it was not, therefore, physically impossible for appellant to have been at the scene of the crime, such defense will not be tenable. The killing is qualified by evident premeditation considering that appellant planned to kill the deceased at least sometime before the incident in question. That the killing was planned by appellant is shown by the fact that he bought the icepick from a store in Quiapo, Manila and also two gallons of paint thinner. Appellant is, therefore, guilty of the crime of murder, defined and penalized by Article 248 of the Revised Penal Code. The crime is aggravated by the circumstance of craft as the appellant induced the victim to go with him to Quezon City on the pre-text that he would get the money to pay his debt to her. Feigning friendship and taking advantage of her confidence, appellant was able to lure the victim to the uninhabited place where the crime was thereafter committed.

The attendance of the afore-mentioned aggravating circumstance, without any mitigating circumstance to offset it, requires the imposition of the supreme penalty of death.[3]

WHEREFORE, in view of the foregoing, the judgment of the court a quo, being in accordance with law, is hereby **AFFIRMED**, with the modification that the indemnity for the victim's death is increased from P6,000.00 to P12,000.00.

SO ORDERED.

Teehankee, Makasiar, Antonio, Aquino, Concepcion, Jr., Santos, Fernandez, Guerrero, De Castro, and Melencio-Herrera, JJ., concur.

Barredo, J., concurs in the finding of guilt but consistently with my opinion in *People vs. Borja*, G.R. No. L-22947. Voted for life imprisonment.

Abad Santos, J., concurs in the finding of guilt but due to his long detention under sub-human conditions, voted for life imprisonment.

[1] Article 248, Revised Penal Code.

[2] *People vs. Bulan, et al.*, L-14934 July 25, 1960, 108 Phil. 932.

[3] Article 248, in relation to Article 63(2) of the Revised Penal Code.

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