

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. DIONISIO MAGBANUA AND RUDY ABA-A, DEFENDANTS-APPELLANTS.

G.R. Nos. L-34527-28. July 30, 1982

Ponente: BARREDO J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/dbcc75b6fa60/>

BARREDO J.:

This is an appeal from the decision of the Court of First Instance of Misamis Occidental in its Criminal Cases Nos. 43 and 44, finding herein appellant Dionisio Magbanua guilty of the crime of Parricide (in the first case) and, together with his brother-in-law, herein appellant Rudy Aba-a, also guilty of the crime of Murder with Unintentional Abortion (in the second case).

Briefly stated, the facts that led to such conviction, as summarized in the brief for the People filed by the Solicitor General are as follows:

"In an information dated November 6, 1970 filed before the Court of First Instance of Misamis Occidental, Dionisio Magbanua and Rudy Aba-a were charged with the crime of Murder with Unintentional Abortion, committed as follows:

"That on or about the 26th day of October, 1970, at about 10:00 p.m., in Sitio Bunawan, Barrio Dapacan Alto, Municipality of Calamba, province of Misamis Occidental, Philippines, and within the jurisdiction of this Honorable Court, the said accused, conspiring and confederating together, and armed with deadly weapons, to wit: a hunting knife and a bolo, did then and there wilfully, unlawfully and feloniously, attack and wound the different parts of the body of one ANASTACIA SAYON, who was eight months pregnant, with treachery and evident premeditation, and as a result thereof, the said ANASTACIA SAYON died and suffered an abortion of her eight-month old fetus.

"The commission of the crime above-stated was attended with the qualifying circumstance of treachery and the generic aggravating circumstances of evident premeditation, nighttime, abuse of superior strength, and recidivism with respect to accused DIONISIO MAGBANUA, who had been convicted of the crime of robbery with Homicide, Crim. Case No. 6018 in the Court of First Instance, Branch I, Oroquieta City on August 25, 1964 and sentenced to suffer the penalty of 2 years, 4 months, and 1 day of prison correccional as minimum and to indemnify the heirs in the sum of P3,000.00' (p. 1, rec.)."

"The two accused, upon arraignment and with the assistance of counsel, pleaded not guilty of the charge.

"In another information of the same date, filed before the same court, Dionisio Magbanua was charged with the additional crime of Parricide arising out of the same occasion, committed as follows:

"That on or about the 26th day of October, 1970, at about 10:00 p.m., in sitio Bunawan, barrio Dapacan Alto, municipality of Calamba, province of Misamis Occidental, Philippines, and within the jurisdiction of this Honorable Court, the said accused wilfully, unlawfully and feloniously attacked and stabbed with a hunting knife and a bolo his father MANUEL MAGBANUA, thereby inflicting several wounds which resulted in the

death of said victim.

'The following aggravating circumstances attended the commission of the above-entitled crime: (1) Evident premeditation; (2) nighttime; (3) treachery; (4) abuse of superior strength; and (5) the accused is a recidivist, having been convicted of the crime of Robbery with Homicide, Crim. Case No. 6018 in the Court of First Instance, Branch I, on August 25, 1964 and sentenced to suffer the penalty of 2 years, 4 months, and 1 day of prision correccional as minimum to 8 years of prision mayor as maximum and to indemnify the heirs in the sum of P3,000.00.' (p. 11, rec.)

"To the above information, accused Dionisio Magbanua likewise entered a plea of not guilty upon arraignment.

"The two cases were tried jointly, and upon termination, the lower court rendered a consolidated decision dated September 4, 1971, the dispositive portion of which is quoted as follows:

'WHEREFORE, IN VIEW OF THE FOLLOWING CONSIDERATIONS, the court finds accused Dionisio Magbanua and Rudy Aba-a guilty beyond reasonable doubt of the crime of murder with unintentional abortion, a complex crime, the penalty of the more serious crime of murder should be imposed. This crime is attended by the aggravating circumstances of (1) premeditation (2) superior strength, with the added aggravating circumstance of recidivism against Dionisio Magbanua.

'And in the crime of parricide, Dionisio Magbanua is likewise found guilty beyond reasonable doubt of the crime charged with the aggravating circumstances of (1) evident premeditation (2) superior strength and (3) recidivism.

'WHEREFORE, in Criminal Case No. 44, for the crime of Murder with Unintentional Abortion, Dionisio Magbanua and Rudy Aba-a are hereby sentenced to RECLUSION PERPETUA with the accessories of the law, and, in Criminal Case No. 43, for Parricide, Dionisio Magbanua is hereby sentenced to RECLUSION PERPETUA with the accessories of the law, and are ordered, jointly and severally, to indemnify the heirs of Manuel Magbanua and Anastacia Sayon, in the sum of P12,000.00 each without subsidiary imprisonment in case of insolvency in view of the nature of the principal penalty and to pay the costs.

'The instruments used in the commission of the crime, small boloes, Exhibits 'C' and 'D', are hereby confiscated in favor of the government.

'The accused herein are hereby credited with the prevention imprisonment each has undergone.' (p. 36, Dec.).

"Not satisfied with the above judgment, Dionisio Magbanua and Rudy Aba-a appealed to this Honorable Court." (Pp. 1-5, Brief for the Appellee.)

In the early morning of October 27, 1970, between 6:30 and 7:00 o'clock, Constable Cesar Ampong of the PC detachment stationed at Calamba, Misamis Occidental received a report from one Diyong Sugabo, a cornfield owner, that two dead bodies were in his hut or cottage in Barrio Bunawan of the same municipality. In company with two members of the Calamba police which likewise received the same report, they proceeded to the place indicated and found in the hut referred to the bloodied bodies of Manuel Magbanua and his concubine, Anastacia Sayon, their cadavers lying about one meter apart on the floor of the cottage which measures about 2-1/2 meters by 4 meters in area. The above-named peace officers then had the family of Manuel Magbanua notified and, in due time, Perfecta Sayon - legal wife of the deceased Manuel Magbanua and aunt of the other deceased, Anastacia Sayon - arrived at the place with her son, herein appellant Dionisio Magbanua, an ex-convict who had served sentence for homicide in the penal colony in Davao and just returned to Calamba about a week before. Said wife and son of the deceased Manuel Magbanua, however, were not immediately permitted by the police officers to come close to the dead bodies and they had to content themselves by staying on a nearby elevated place overlooking the hut where the cadavers lay. Still later, the municipal health officer, the municipal judge, a

photographer and two other members of the police force of Calamba arrived at the scene. The municipal doctor examined the dead bodies and took down notes regarding the location and size of their wounds while the photographers took pictures of the deceased. It was only thereafter that the wife and son of the deceased Manuel Magbanua were allowed to enter the cottage, and as soon as the health officer was through with his post mortem examination said wife and son of one of the dead started fixing the bodies.

As they were changing the clothes of Manuel Magbanua, however, Dionisio Magbanua was called down the hut by a policeman named Millalus. He searched the body of Dionisio Magbanua and, finding a dagger in his possession, he confiscated it, handed it over to PC Constable Ampong, and then and there placed him under arrest. Over the protestations of Dionisio Magbanua, he was brought right away to the municipal building of Calamba and delivered to the Chief of Police for investigation.

At about past noon of the same day, PC Ampong turned over the possession of the dagger confiscated from Dionisio Magbanua to another policeman as he, together with patrolmen Awa and Florin had to leave the scene to arrest the other appellant herein, Rudy Aba-a. They hiked for more than one hour before they reached the barrio of Dapacan Alto of the same municipality which is about six (6) kms. distant from the place of discovery of the dead bodies. There, at about 4:00 o'clock that same afternoon, they found the other appellant herein Rudy Aba-a - brother-in-law of appellant Dionisio Magbanua and son-in-law of the deceased Manuel Magbanua - working in the coconut plantation of one Narciso Borongan, piling the coconuts he had gathered. Without any warrant, Rudy Aba-a was then and there placed under arrest by the above-named policemen who, upon his inquiry, briefly informed him about the killing of his father-in-law and his concubine the night before at Barrio Bunawan. As he was being taken back to the municipal building, Rudy Aba-a, at three (3) different occasions, requested the police officers who arrested him to allow him to see the body of his father-in-law, but his requests were all turned down. They took him directly to the municipal building of Calamba and delivered him to the chief of police for investigation.

The subsequent investigations of appellants Dionisio Magbanua and Rudy Aba-a by the police officers in the municipal building of Calamba resulted in the filing of the separate informations for Parricide and Murder with Unintentional Abortion against them, earlier quoted above.

Further examination of the evidence for the People reveals that not a single eye-witness to the commission of the crimes charged against herein appellants was presented by the prosecution during the trial. The prosecution banked solidly on the extra-judicial confessions (Exhibits E and G) of appellants and the answers they gave to the questions propounded to them by the municipal judge of the place before whom they subscribed to such confessions, which were reduced in writing (Exhibits F and H), coupled with proof of corpus delicti. Evidence for the defense shows, on the other hand, that appellants impugn the validity of their extra-judicial confessions and their answers to the questions propounded to them by the municipal judge on the ground that the same were secured through force, violence and intimidation employed upon them by certain policemen of the Calamba police.

The main question for resolution then is whether or not the lower court correctly relied upon such evidence of the prosecution as basis for the conviction of herein appellants.

In its decision, the court a quo ruled in favor of the People, reasoning thus:

"We now move to the consideration of the extra-judicial confessions and 'searching questions' alluded to several times in the record. The defense of Dionisio Magbanua and Rudy Aba-a recited in great detail the allegedly brutal manner by which their confessions, Exhibits 'F' and 'H' were taken. How they were boxed, kicked, karated (sic) and mauled for two hours by four policemen of the Calamba Police force, and that as a

result Dionisio defecated in his pants and spat blood and Rudy suffered a broken rib; that, due to this assault of his person Dionisio admitted his participation in the crime, and that in order to avoid further punishment, and at the behest of Dionisio, co-accused Aba-a finally likewise confessed to the crime. Further that on their way to the office of the municipal judge for subscribing the affidavits taken by the sergeant of Police both accused were warned by the police to admit their statements.

"In short, accused maintain that their confessions as contained in their sworn statement, are involuntary, and having been extracted by force, torture and intimidation that the same should not be given due course by the Court.

"From October 27, 1970, when they were apprehended, to June 9, 1971, when they rested their case, covers a period of more than eight (8) months and were detained in the Calamba jail, they could see at almost any hour of the day or night, the policemen of Calamba in the town hall. Yet during the trial neither one could point out any of the four policemen who they alleged, mauled and maltreated them for two hours and more in the afternoon of October 28, 1970. It is strange that the accused could not even give a description of their alleged torturers, their physical features, mannerisms or in any manner give any identifying fact to pinpoint their alleged tormentors so that some credence could be given to their allegation that they were forced to give the confessions adverted to.

"The accused, when they were brought to Municipal Judge Januario Kapasilan for their swearing to their affidavits, had no inkling of the impending searching questions to be put to them by said official, and according to witness, Municipal Mayor Lorenzo de Guzman of Calamba, the investigation conducted by said judge was open and many persons witnessed the same. So how could these two accused now say that they were forced to give their confessions and answers to the 'searching questions', and warned to admit that they had committed the crime? These verified statements, Exhibits 'E' and 'G' and 'F' and 'H' of accused Dionisio Magbanua and Rudy Aba-a are replete with details, coherent, and reflect spontaneity and on its face show no suspicious circumstances which would cast doubt on its integrity - there were no ulterior motives on the part of the police or of Judge Kapasilan to impute this heinous crime to the accused, no interest which would cause these law officers to make or manufacture the impugned confessions. There is also no reason to doubt that the accused did not understand the import of their confessions and the 'searching questions', as these were taken in the Bisaya-Cebuano dialect spoken and understood by both accused.

'When the details narrated in an extrajudicial confession are such that they could not have been concocted by one who did not take part in the acts narrated, where the claim of maltreatment in the extraction of the confession, is unsubstantiated and where abundant evidence exists showing that the statement was voluntarily executed, the confession is admissible against the declarant. With more reasons where the confession is corroborated by evidence aliunde which dovetails with the essential facts contained in the confession,' (P. vs. Romerico Elizaga, et al., L-23202, April 30, 1968).

CIRCUMSTANCES WHICH DETERMINE VOLUNTARINESS OF CONFESSION:

'The circumstances which may aid in determining voluntariness of a confession are: If upon its face, it exhibits no sign of suspicious circumstances tending to cast doubt upon its integrity; it is replete with details which could possibly be supplied only by the declarant; the narration reflects spontaneity and coherence which physiologically cannot be associated with a mind to which torture and violence have been applied; the response to every interrogatory is so fully informative as to indicate the mind to be free from extraneous restraints; and the reconstruction of the crime made by the declarant substantially tallies with what appears in the evidence. With such circumstances, the confession may be considered voluntary and such facts may disprove that it was the outcome of violence and torture. (People vs. Cruz 1 O.G. 867; People vs. Bersamin, G.R. No. L-3098, March 5, 1951). (People vs. Bernardo, CA-G.R. No. 08285-R, Feb. 3, 1961; 57 O.G. 8675.)

"Moreover, the accused kept silent anent their alleged terrible manhandling by the police while they were

swearing to their statements before Judge Kapasilan. They said that they had been physically tortured and that the evidence could be seen when they were brought before said judicial officer. Yet they did not tell the judge that they were maltreated by any policeman, when they had at that very moment tell-tale evidence on their persons. Nobody could have prevented their lifting their shirts and show the varied bruises, contusions, swellings or other evidence of brutal handling, if this were so. On the other hand, they told the judge that their confessions were given freely and voluntarily extracted without the use of force, intimidation or coercion of any sort. Mayor de Guzman had also his office in the same building where the accused were detained. But during the whole period of their detention there was no word or sign made to the mayor that they had been maltreated into admitting the commission of the dastardly crime. It was only after their transfer to the provincial jail, this province, that Rudy Aba-a was X-rayed by Dr. E. Lumantas. The latter's testimony confirmed the existence of an old fracture of one of the ribs of said accused. But such medical testimony is inconclusive as to whether the injury had been inflicted by police brutality as the date when accused suffered the fracture was indefinite. As it was an old fracture, the doctor could not state definitely when the fracture occurred. The accused also testified that one of those to whom they related the maltreatment they had undergone was their mother and mother-in-law, Perfecta Sayon. Again, the Court finds it strange that this woman who gave testimony for the accused, never made mention of this matter of manhandling when she was on the witness stand. In other words, the two accused herein, kept continuous silence on their alleged maltreatment by the police for eight (8) months, at the time when they gave their evidence for their defense. This Court can see no reasonable explanation for this inexplicable silence on the part of the accused, save the obvious, that is, that these two accused are grasping at straws to save themselves from the penalty due this horrible crime." (Pp. 49-53, Record.)

The foregoing rationalization and conclusion of the lower court cannot stand close scrutiny, an examination of the evidence pointing otherwise.

In the above-quoted portions of the decision, the lower court observed that "(f)rom October 27, 1970, when they were apprehended, to June 9, 1971, when they rested their case, covers a period of more than eight (8) months and were detained in the Calamba jail, they could see at almost any hour of the day or night, the policemen of Calamba in the town hall, (y)et during the trial neither one could point out any of the four policemen who they alleged, mauled and maltreated them for two hours". It then concluded that "(i)t is strange that the accused could not even give a description of their alleged tormentors, their physical features, mannerisms or in any manner give any identifying fact to pinpoint their alleged tormentors so that some credence could be given to their allegation that they were forced to give the confessions adverted to". Such observation and conclusion of the trial court are belied by the follow-ing evidence gleaned from the record:

"ATTY. MILITANTE:

Q - Can you tell the Court what is the cause of that broken rib that you are still suffering now?

A - Due to the mauling by the police.

"COURT:

Q - Who broke your rib?

A - I am afraid to reveal his name because they might take revenge on me, but if you will force me, I will be forced.

"COURT:

Q - You are not being forced, you just tell if you want, justice will be given to you.

A - I will tell the truth sir. That Elias and Pacito were the two who caused my broken rib.

Q - What did they use in breaking your ribs?

A - Fist."

(Testimony of Rudy Aba-a on Cross Examination, Tsn, Suan, Sept. 23, 1971, p. 12.)

"COURT:

Q - You know Mayor de Guzman very well?

A - Yes, sir.

Q - Did you not tell Mayor de Guzman that you were maltreated by his policemen?

A - No, sir.

Q - Who were those policemen whom you said maltreated you?

A - I do not know their names sir because I have just returned to Calamba and besides, those policemen were new.

Q - Up to now you do not know their names?

A - No, sir.

Q - How many maltreated you?

A - Four."

(Testimony of Dionisio Magbanua on cross-examination, Tsn, Suan, March 31, 1971, p. 96.)

It is clear from the above-quoted testimony that appellant Rudy Aba-a, contrary to the holding of the lower court, identified the policemen who maltreated him; and in the case of appellant Dionisio Magbanua, while it is true that he said he did not know the names of his tormentors, his inability to name them must be deemed satisfactorily explained by him when he said that he does not know their names because he had just returned to Calamba and those policemen who maltreated him were new.

It was also observed by the lower court in its decision that the verified statements of appellants Dionisio Magbanua and Rudy Aba-a are replete with details, coherent and reflect spontaneity and on its face show no suspicious circumstances which would cast doubt on its integrity. Again, this observation is quite inaccurate. As correctly pointed out by the Solicitor General in his brief for the People:

"A scrutiny of the alleged confessions, Exhibits E-1 and G-1 (pp. 6 & 10, rec. of exhs.), will reveal that they were identically drafted. Both are in narration form, not the usual Question and Answer form, and they consist only of 4 para-graphs each, without details. These circumstances, according to this Honorable Court, neutralize the voluntary character of the alleged confessions (People vs. Imperio, 44 SCRA, 75, 85, March 20, 1972).

"x x x x x

"There is a material conflict between the alleged confessions of the appellants, in that, in Exhibit E-1, Dionisio Magbanua appears to have declared as follows:

‘I right away went back stabbing his concubine and I saw my brother-in law stabbing the head of the woman and then he jumped out from the house and I was alone who finished stabbing my father and his concubine, and after I was certain that they were already dead, I went home to our house bringing with me the hunting knife, and when I arrived at our house, I cleaned my hunting knife then I inserted it to the wall of our house then I went back to

sleep.' (p. 6, rec. of exhs.) (underscoring supplied).

while in Exhibit G-1, Rudy Aba-a purportedly stated the following:

'I saw Dionisio Magbanua stabbed his father and then he said: 'Right Nong you stab' (Sigui Nong Tigbas na) and because of my fear I stabbed the woman twice and then he get back the bolo and I jumped out from the house and while I was down the house, I ran away towards our house, and not long after he arrived bringing the bolo and hunting knife already bloody.' (p. 10, rec. of exhs.) (Underscoring supplied).

"It will be noted in the above quoted portions of appellants' affidavits that there is conflict in the disposition by either of them of the fatal weapon used, for while Rudy Aba-a allegedly declared that after stabbing the female victim, Dionisio Magbanua got his weapon away from him, and as a consequence, Dionisio was bringing 'the bolo and hunting knife' when he arrived in their house after the commission of the crime, Dionisio Magbanua, on the other hand, allegedly declared that when he went home, he was bringing with him 'the hunting knife' which he cleaned and subsequently inserted in the wall of their house. No mention was made by him in his alleged affidavit regarding the bolo of Rudy Aba-a, nor what he did with it.

"If the alleged confessions were voluntarily given, surely, the statements of the appellants on the particular detail regarding the disposition of the weapons could not have missed to coincide, considering the relevance and materiality that it would bear on the recovery of the same.

"x x x x x

"Going back to the alleged confession of Rudy Aba-a Exhibit G-1, it will be significantly noted that the same makes reference to a room of his own which he allegedly entered to sleep, after seeing Dionisio Magbanua arrive in their house bringing with him the bloody bolo and hunting knife:

'And because of my fear I did not anymore talk and I went inside my room and sleep' (p. 10, rec. of exhs.).

"This single detail, minor as it seems, attains magnitude when we consider the uncontroverted fact that the house of the appellants is just a one-room ensemble where all the inmates sleep side by side of each other. Thus, their mother Perfecta Sayon testified:

'x x x x

Q - Your house in Bunawan, does it have a room where you could sleep?

A - No room.

Q - You mean it is just a one room house?

A - Yes, no room.

(Pp. 121-122, tsn., June 7, 1971.)

"Considering the above testimony of Perfecta Sayon, the simple paragraph is Aba-a's alleged confession about the room, quoted earlier, can furnish the key to the involuntariness and lack of spontaneity of Exhibit G-1 for it states something which essentially conflicts with an actual physical fact. If said exhibit were really prepared by Rudy Aba-a he could not have made such a statement as, poor and unlettered that he is, he would have known fully well that their house is devoid of any room, much less, one of his own." (Pp. 58-64, Brief for the People.)

The trial court observed further in its decision that appellants kept silent anent their alleged terrible manhandling by the police; they did not tell the municipal judge before whom they swore to the truth of their confessions nor the municipal mayor whose office was in the same building, when nobody could have prevented them from lifting their shirts and show the varied bruises, contusions, swellings or other evidence of brutal handling, if these were

so. It then drew the conclusion that the two accused herein had kept continuous silence on their alleged maltreatment by the police for eight (8) months, and it saw no reasonable explanation for this inexplicable silence on the part of the accused save the obvious, that is, that these two accused are grasping at straws to save themselves from the penalty due this horrible crime. This, again, suffers some infirmity and inaccuracy. It is trite to say that appellants had kept silent about their alleged maltreatment for eight long months, for the prosecution's own rebuttal witness, Dr. Lumantas, testified that soon after appellants' transfer from the municipal jail of Calamba to the provincial jail of Misamis Occidental, or on November 20, 1970, to be precise, which is about a month from the time appellants were arrested on October 27, 1970, said appellants came to her clinic complaining of pains allegedly caused by manhandling. (pp. 163-164, Tsn., Mancao, June 7, 1971) At any rate, appellants explained the reasons why they did not tell the municipal judge nor the mayor about the police brutality they had suffered.

Dionisio Magbanua testified thus:

"ATTY. MILITANTE:

Q - The following day, do you remember having been called to the Office of the Municipal Judge?

A - Yes, sir.

Q - Who brought you to the office of the Municipal Judge?

A - Policemen.

Q - How about Rudy Aba-a, was he brought with you?

A - No sir, he was left.

Q - While you were going up the stairs of the municipal building in order to go to the office of the municipal judge, what, if any, did the police tell you?

A - They warned me while climbing up the stairs to admit whatever the Judge would say, because if I don't admit I will be maltreated again.

(Tsn., Mancao, pp. 69-70, Hearing of March 30, 1971)

"ATTY. MILITANTE:

Q - In answer to my questions, confronting you with your answers to the searching questions of the Municipal Judge as well as the contents of your affidavit now marked as Exhibits 'E' and 'F', you stated that those statements are not true. Why did you make those statements when they were not the truth, according to you now?

A - Because those were what the policemen taught me.

Q - Why did you follow what the policemen taught you? Did you not realize the gravity of this admission?

A - I was obliged to follow what they taught me because I was threatened and I was afraid of their threats so I was forced to own the guilt which is against my will. (Ibid., p. 78)

Rudy Aba-a, on the other hand, testified as follows:

"ATTY. MILITANTE:

Q - The following day, October 28, 1970, do you remember having been brought to the office of the Municipal Judge?

A - Yes, sir.

Q - Do you know where that office of the Municipal Judge of Calamba is located in relation to the municipal jail?

A - Yes sir, I know because the office is located upstairs.

Q - While you were brought who was with you when you were brought to the office of the Municipal Judge from the Municipal Jail?

A - Pacito Florin and Elias.

COURT:

Q - What is the full name of Elias?

A - I know his name is Elias because he is being called Elias but I do not know his surname.

COURT:

Q - Is he a policeman?

A - Yes, sir, also a policeman.

ATTY. MILITANTE:

Q - When you were brought to the Office of the Municipal Judge by the two policemen you have just mentioned, how about Dionisio Magbanua, where was he?

A - He was left in the jail.

Q - While climbing up the stairs towards the Office of the Municipal Judge upstairs, what, if any, did the policemen tell you?

A - While on the stairs, the policemen warned me that all the questions asked by the Municipal Judge you admit it because if you will not admit I will maul you again.

COURT:

Who told you this?

A - Pacito.

COURT:

Only?

A - And Elias.

(Tsn., Mancao, pp. 95-96, Hearing of April 22, 1971)

"ATTY. MILITANTE:

Q - Why did you sign this affidavit before the Municipal Judge when you said that the contents here are not true?

A - Because before reaching (the office of the Municipal Judge) I was beforehand warned by the police that if I will riot sign I will again be mauled. So because of my fear especially so that I have already a broken rib, I signed." (Ibid., p. 100)

"COURT:

Q - This appears to be the question and answer taken during your investigation by the Municipal Judge of Calamba on the 28th of October, 1970, were you investigated by the said Judge on that date without the intervention of the police authority of Calamba?

A - There was an investigation conducted by the Judge and the policemen were present.

COURT:

Q - But the policemen did not ask you questions, it was only the Municipal Judge?

A - Yes, sir.

Q - And you gave the answer to all the questions that the Municipal Judge asked you?

A - Yes, sir, I answered because there were policemen watching.

COURT:

Q - And after your investigation you subscribed and swore to that statement before the Municipal Judge?

A - Yes, sir." (Ibid., p. 103)

"ATTY. MILITANTE:

Q - If this is not true, why did you tell the Judge about (it)?

A - Because if I will not admit before the presence of the Judge they will maul me when I will be returned downstairs in jail.

Q - While you were answering this question, were the two policemen giving you warning still present inside the office of the Municipal Judge?

A - Yes, sir, they were present in the Office of the Judge."

(Ibid., p. 107)

In the above-quoted portion of the decision, the court a quo further held that while the testimony of Dr. Lumantas confirmed the existence of an old fracture of one of the ribs of appellant Rudy Aba-a, such medical testimony is inconclusive as to whether the injury had been inflicted by police brutality as the date when he suffered the fracture was indefinite; as it was an old fracture, the doctor could not state definitely when the fracture occurred. Worthy of note, however, are the following discussion on this point of the Solicitor General in his brief:

"The maltreatment suffered by appellants is supported by the testimony and findings of Dr. Encarnacion Lumantas, a prosecution witness.

"Significantly, on several occasions, the appellants asked permission to be examined by a doctor for their injuries, but they were not permitted by the police (p. 95, tsn., cross-examination of Dionisio Magbanua). It was only when they were remitted to the Provincial Jail that they were finally examined by Dr. Encarnacion Lumantas, upon the request of Dionisio Magbanua thru the Assistant Provincial Warden. (pp. 99-100, tsn., ibid.)

"Dr. Lumantas, who was presented as rebuttal witness for the prosecution, testified that the appellants went to her for examination, complaining of pains on different parts of the body due to maltreatment by the police for having been suspected of the commission of a crime (p. 164, tsn., June 9, 1971). Said doctor further testified that she found a protusion on the chest of Rudy Aba-a, and that the X-ray examination disclosed that there was

a disaligned old fractured conflict at the anterior angle to left 7th rib of said appellant (pp. 165-166, tsn., *ibid*; exh. 1, p. 17, rec. of exhs.).

"The findings of Dr. Lumantas is undoubtedly more favorable to the accused than to the cause of the prosecution, for it corroborates to a certain extent appellants' contention of maltreatment. Although Dr. Lumantas could not definitely state the date on which the fracture was inflicted, as the lower court stated in its decision (p. 27, Dec.), however, said doctor likewise testified that the fracture could not have been more than two months old because of the 'shadow which shows that there is just a beginning on any of the fractured part' (p. 167, *ibid.*), and that the injury could have been inflicted on the night of October 27, 1970, which was the date of appellants' arrest and maltreatment at the municipal building by the police." (Pp. 70-72, Brief of the People)

It will be seen then that the observations made by the trial court in its decision, upon which it based its conclusion that appellants' claim that their extra-judicial confessions of guilt as contained in their sworn statements cannot be given credence, are not wholly supported by the evidence of record, as discussed above. Consequently, the reliance placed by the court a quo on such sworn statements of appellants as bases of their convictions is put to serious doubt. Add to this the circumstances-that there was no eyewitness to the commission of the crimes charged against appellants (p. 30, Decision; p. 176, Rollo); that both appellants Dionisio Magbanua and Rudy Aba-a were arrested without any lawful cause nor warrant (see observations of the Solicitor General, pp. 24-25, Brief for the People); that other than the same sworn statements of appellants relied upon by the prosecution, not one of the witnesses it presented during the trial was able to identify the bolo and hunting knife (Exhs. C & D) as the ones confiscated from appellants or found in their possession by the police at the time of their arrest, as even PC Ampong who had custody of the dagger allegedly found in the possession of Dionisio Magbanua when he was arrested categorically stated on the witness stand that he had never seen Exhibit D before, and that the same has no similarity at all to the one confiscated from Magbanua (see pp. 60-62, Brief for the People); that appellant Dionisio Magbanua was able to describe in detail the cottage beside the municipal building of Calamba in spite of the fact that he had been in Calamba only for six days since his arrival from Davao at the time of his arrest, which he could not have done if he were not in fact brought there by the police for maltreatment (see pp. 66-67, Brief for the People); and that the prosecution did not even care to present as witness the police officers who took down the extra-judicial confessions of appellants to uphold the integrity and trustworthiness of such statements, in spite of the fact that the defense had directly put in issue their voluntariness (see pp. 67-68, Brief for the People) - which, altogether considered, tend to lend more credence to herein appellants' claim that their extrajudicial statements relied upon by the prosecution were secured from them by the police of Calamba through force, violence and intimidation, as described by them in their respective testimonies. (See portions of their testimonies quoted by the Solicitor General, pp. 31-54, Brief for the People) The sworn statements of appellants, therefore, should be rejected, in line with the following pronouncement in *People vs. Bagasala*, L-26182, May 31, 1971, 39 SCRA 236, 241-243, couched in the language of Chief Justice Fernando, as follows:

"The Constitution in its Bill of Rights explicitly guarantees: 'No person shall be compelled to be a witness against himself' (Art. III, Sec. 1, par. 18). There is thus a safeguard against the compulsory disclosure of incriminating facts. It does not bar, as Justice Tuazon pointed out, the conviction of an accused 'on a voluntary extrajudicial statement x x x x' (*People vs. Carillo*, 77 Phil. 572, 576 [1946]). Certainly, however, where the confession is involuntary, being due to maltreatment or induced by fear or intimidation, there is a violation of this constitutional provision. Any form of coercion whether physical, mental, or emotional thus stamps it with inadmissibility. What is essential for its validity is that it proceeds from the free will of the person confessing.

"This is the prevailing principle even prior to the Constitution. Both under the Philippine Bill of 1902 and the Philippine Autonomy Act of 1916 as well as a statute enacted in 1903, there is the requirement that a confession to be received as evidence must be shown to be freely and voluntarily made and not the result of

violence, intimidation, threat, menace, or promise or offer of reward or leniency (Cf. Sec. 4, Act 619 [1903] and *United States v. Baluyot*, 1 Phil. 451 [1902]; *United States v. Lozada* 4 Phil. 226 [1905]; *United States v. Mercado*, 6 Phil. 332 1906; *People v. Turtal*, 74 Phil. 667 [1944]). Why it should be thus was explained in an early leading case: 'Involuntary confessions are rejected by all courts - - by some on the ground that a confession so obtained is unreliable; and by some of the grounds of humanitarian principles which abhor all forms of torture or unfairness toward the accused in criminal proceedings. But either theory arrives at the same goal. Such a confession is not legal evidence and must be rejected. If the accused satisfactorily shows that it was made involuntarily, the confessions stand discredited in the eyes of the law and is a thing which never existed.' (*United States v. De los Santos*, 24 Phil. 329, 359 [1913]. See also *People v. Panopio*, 75 Phil. 767 [1946].) Such a thought finds expression in an even earlier decision, *United States v. Navarro*, 3 Phil. 143, promulgated in 1904. Thus: 'The provision that no one is bound to criminate himself is older than the Government of the United States. At an early day it became a part of the common law of England. It was established on the grounds of public policy and humanity - - of policy, because if the party were required to testify, it would place the witness under the strongest temptation to commit the crime of perjury, and of humanity, because it would prevent the extorting of confessions by duress' (*Ibid.*, p. 152).

"It is no surprise then that where there was ample basis in a habeas corpus proceeding for petitioner's contention as to the signature on his confessions in the eight cases where he did plead guilty being due to his desire to avoid any further torture or maltreatment, this Court, through Justice Perfecto reached this conclusion: 'The facts proved by petitioner convince us that the sentences rendered in the eight cases in question are null and void and should not be given any effect.' (*Camasura v. Provost Marshal*, 78 Phil. 131, 137 [1947].) As a result, the release from confinement of petitioner was ordered. Then, too, in line with this control-ling doctrine, there is this relevant excerpt from an opinion of Justice Labrador: 'We cannot close our ears to the stories of maltreatment used to extort the confession 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 v. Obenia*, 91 Phil. 292, 301 [1952].)

"x x x x

"x x x x

"It is likewise timely to impress anew on police officials that the imperative requirements of truth and of humanity condemn the utilization of force and violence to extract confessions from unwilling victims. Crime must be punished and the guilty must not be allowed to escape. A desirable end cannot, however, be attained by unconstitutional means. There should be less than full respect for the law if in the process of enforcing it lawless methods are employed. Once again, then, this Court is called upon to manifest in the strongest language possible its abhorrence for the employment of force to compel a person to sign a statement acknowledging guilt. A decent regard for the dignity that attaches to every human being as such will be satisfied with nothing less."

With the exclusion of the extra-judicial statements of herein appellants as evidence against them, there is nothing left to support the decision of conviction appealed from. The consequent acquittal of appellants whose culpability has not been demonstrated beyond reasonable doubt in these cases, as likewise admitted by the Solicitor General in his brief for the People, becomes a matter of course. In any event, We believe they have suffered sufficient punishment already, even if, they are all in fact guilty.

WHEREFORE, the accused Dionisio Magbanua and Rudy Aba-a are hereby acquitted, with costs de oficio. Said appellants are ordered to be immediately released from confinement unless they are being held for any other lawful cause.

Fernando, C.J., Teehankee, Makasiar, Concepcion, Jr., Guerrero, Abad Santos, De Castro, Melencio-Herrera, Plana, Escolin, Vasquez, Relova, and Gutierrez, Jr., JJ., concur.

Aquino, see dissent.

DISSENTING OPINION

AQUINO, J.:

I dissent but this dissent is, in effect, a concurrence in the result because in my opinion executive clemency should be extended to the accused-appellants.

Dionisio Magbanua, 27, a recidivist, is guilty beyond reasonable doubt of the separate crimes of parricide and murder with unintentional abortion, while his brother-in-law, Rudy Aba-a, 24, is guilty beyond reasonable doubt of murder with unintentional abortion as shown in their extrajudicial confessions (Exh. E and G) and their judicial confessions before the municipal judge during the preliminary investigation (Exh. F and H).

Those confessions, which were voluntarily executed, as testified by the municipal judge, are corroborated by evidence of the corpus delicti (Exh. A and B, medical certificates, and Exh. I to I-3, photographs of victims' cadavers).

Two death penalties are imposable on Magbanua. The death penalty is also imposable on Aba-a.

In October, 1970, Dionisio resided with his mother at their house in Barrio Bunawan, Calamba, Misamis Occidental. He had just been paroled after serving a sentence for homicide in the Davao Penal Colony. Living with Dionisio in the same house was Rudy who is married to his sister.

Manuel Magbanua, 67, Dionisio's father, who had separated from his wife, was living in a state of concubinage with Anastacia Sayon, 39, his wife's niece, in a hut or cottage located in the upper portion of Barrio Bunawan, about a kilometer away from Manuel's conjugal abode.

Dionisio in his confession in the dialect, sworn to before the municipal judge two days after the incident, or on October 28, 1970, declared that at about ten o'clock in the evening of October 26, 1970, after he and his brother-in-law, Rudy, arrived at the hut where his father and his concubine were sleeping, he (Dionisio) immediately stabbed Anastacia, whose shout awakened Manuel, and Dionisio thereupon stabbed his father repeatedly.

Dionisio further stated that he again stabbed Anastacia who was also being assaulted by Rudy. After wounding Anastacia, Rudy jumped out of the hut. Dionisio finished the liquidation of Manuel and Anastacia. After ascertaining that they were dead, Dionisio went home, cleaned the murder weapon, a hunting knife, tucked it into the wall of his house and went to sleep (Exh. E and E-1).

Dionisio confirmed his extrajudicial confession when he was interrogated by the municipal judge (Exh. F).

Rudy, in his extrajudicial confession, also dated October 28, 1970 and sworn to before the municipal judge, corroborated Dionisio's confession. Rudy declared that at about ten o'clock in the evening of October 26, 1970 he and his brother-in-law, Dionisio, pursuant to their agreement, repaired to the hut of Manuel Magbanua near the river. On noticing that Manuel and his concubine were already asleep, Rudy and Dionisio entered the hut.

Dionisio stabbed the concubine who shouted, and then Dionisio stabbed his father. Dionisio directed Rudy to make an assault. Allegedly because of fear, Rudy stabbed the concubine twice. Rudy, after handing his bolo to Dionisio, jumped out of the hut and went home. Shortly thereafter, Dionisio arrived with the bolo and knife

stained with blood. Because Rudy was afraid, he went inside his room (lawak) and slept (Exh. G and G-1).

Rudy confirmed his confession when he was interrogated by the municipal judge during the preliminary investigation (Exh. H).

Dionisio and Rudy told the municipal judge that Manuel and Anastacia were killed because they (Dionisio and Rudy) pitied Manuel's wife, Perfecta Sayon, who was abandoned by Manuel. The husband never gave any part of the proceeds of the sale of coconuts to his family (Exh. F and H).

The municipal judge testified that he read to Dionisio and Rudy the contents of their confessions in the presence of the many spectators who crowded his sala. He asked them if the contents of their statements were true and they answered in the affirmative. Then, he asked them to swear to the truth of their statements. After the swearing, he asked them to sign again their statements. That explains why their statements were signed twice.

After Dionisio and Rudy had sworn to their statements, the municipal judge in the presence of many persons propounded to them searching questions in the dialect which, together with their answers, were recorded and signed by them and sworn to before the municipal judge (Exh. F and H). The municipal mayor was present during the preliminary investigation.

Patrolman Florin testified and refuted the imputation that Dionisio and Rudy were maltreated. Doctor Encarnacion Lumantas declared that he examined Rudy and Dionisio on November 20, 1970, twenty-five days after the incident, and he did not find any external injuries.

The trial judge in concluding that there was no maltreatment made these observations:

"From October 27, 1970, when they were apprehended, to June 9, 1971, when they rested their case, covers a period of more, than eight (8) months and were detained in the Calamba jail, they could see at almost any hour of the day or night, the policemen of Calamba in the town hall. Yet, during the trial neither one could point out any of the four policemen who they alleged, mauled and maltreated them for two hours and more on the afternoon of October 28, 1970.

"It is strange that the accused could not even give a description of their alleged torturers, their physical features, mannerisms or in any manner give any identifying fact to pinpoint their alleged tormentors so that some credence could be given to their allegation that they were forced to give the confessions adverted to.

"The accused, when they were brought to Municipal Judge Januario Kapasilan for their swearing to their affidavits, had no inkling of the impending searching questions to be put to them by said official. And according to witness, Municipal Mayor Lorenzo de Guzman of Calamba, the investigation conducted by said judge was open and many persons witnessed the same.

"So how could these two accused now say that they were forced to give their confessions and answers to the 'searching questions', and warned to admit that they had committed the crime?

"These verified statements, Exhibits E and G and F and H of accused Dionisio Magbanua and Rudy Aba-a are replete with details, coherent, and reflect spontaneity and on its (their) face show no suspicious circumstances which would cast doubt on its (their) integrity - there were no ulterior motives on the part of the police or of Judge Kapasilan to impute this heinous crime to the accused, no interest which would cause these law officers to make or manufacture the impugned confessions.

"x x x x x x x x

"Moreover, the accused kept silent anent their alleged terrible manhandling by the police while they were swearing to their statements before Judge Kapasilan. They said that they had been physically tortured and that the evidence could be seen when they were brought before said judicial officer. Yet they did not tell the judge

that they were maltreated by any policeman, when they had at that very moment telltale evidence on their persons.

"Nobody could have prevented their lifting their shirts and show the varied bruises, contusions, swellings or other evidence of brutal handling, if this were so.

"On the other hand, they told the judge that their confessions were given freely and voluntarily extracted without the use of force, intimidation or coercion of any sort. Mayor de Guzman had also his office in the same building where the accused were detained, yet during the whole period of their detention there was no word or sign made to the mayor that they had been maltreated into admitting the commission of the dastardly crime.

"It was only after their transfer to the provincial jail, this province, that Rudy Aba-a was X-rayed by Dr. E. Lumantas. The latter's testimony confirmed the existence of an old fracture of one of the ribs of said accused. But such medical testimony is inconclusive as to whether the injury had been inflicted by police brutality as the date when accused suffered the fracture was indefinite. As it was an old fracture, the doctor could not state definitely when the fracture occurred.

"The accused also testified that one of those to whom they related the maltreatment they had undergone was their mother and mother-in-law, Perfecta Sayon. Again, the Court finds it strange that this woman who gave testimony for the accused, never made mention of this matter of manhandling when she was on the witness stand.

"In other words, the two accused herein, kept continuous silence on their alleged maltreatment by the police for eight (8) months, at the time, when they gave their evidence for their defense. This Court can see no reasonable explanation for this inexplicable silence on the part of the accused, save the obvious, that is, that these two accused are grasping at straws to save themselves from the penalty due this horrible crime." (Decision, pp. 24-27).

The trial judge made the following justification for the judgment of conviction:

"Dionisio Magbanua stated that he harbored no grudge against his father for having taken a concubine and that he was happy at the forthcoming child by the pregnant concubine Anastacia Sayon. This declaration is manifestly not the truth. When he talked with his mother Perfecta Sayon in Davao where she visited him she must have poured out her bitterness and resentment, as she related that his father Manuel Magbanua and concubine were living separately from them in a cottage, and how she had driven away the two from the family domicile.

"Accused Dionisio did not tell his mother then that he was happy his father had a concubine. What is more revealing was when Perfecta, the abandoned wife, stated that she could no longer endure the scandal created by her husband Manuel and his concubine living together with her in one house so that she (Perfecta) had to drive them out.

"What could be more natural than that Dionisio, the son, should get incensed at the shabby treatment of his mother? We should remember that this was the second occasion of Manuel's aberration - the first time, the wife forgave him, and took both him and the woman Anastacia Sayon (who was a niece of hers) back to the conjugal dwelling. Apparently Manuel's infatuation for Anastacia was still strong, and once again he got her pregnant.

"The motive in this double killing is clear from the confessions and the searching questions put to the two accused. Living together in one house were the accused, his mother, sister, the latter's two young children and the erring father and his concubine. At first, there was no trouble in this unconventional setup, the family being adequately supported and provided for by the father.

"But when Anastacia got pregnant, this was just too much for the wife. Humiliated, she drove out the two. In

retaliation, Manuel cut off their support, giving the money to his woman, which money came from the harvest of the coconut plantation owned by the family in Dapacan Alto. With the elimination of this source of income the family would be reduced to penury, it appearing that there were no other properties.

"But with Manuel and his concubine out of the picture the family could live sufficiently and adequately. That such a theory is viable in the light of the evidence is borne out by some mention of P800.00 from the coconut harvest not being found by the family.

"A hard, material and economic reason was the driving motivation for this crime, though we do not minimize the emotional factor too. The humiliation and anger of the deserted wife, long nurtured in her breast and communicated to the son; and, adding salt to the wounds, so to speak, the specter of want and penury, because the family income was diverted to the concubine. In spite of accused Dionisio Magbanua's and his mother's assertion that the father gave some support to the family even when he was already living apart from them" (sic). (Decision, pp. 28-30).

The crime of parricide committed by Dionisio Magbanua with respect to his father was aggravated by treachery, recidivism, dwelling and desoblado and was not attended by any mitigating circumstance. Hence, the imposable penalty is death.

The complex crime of murder with unintentional abortion perpetrated by Dionisio and Rudy, as co-conspirators, with respect to Anastacia Sayon was aggravated by treachery, dwelling and desoblado. No mitigating circumstance can be appreciated in their favor. Hence, death is likewise the imposable penalty.

However, considering that Dionisio acted in order to vindicate the wrong done to his mother by his father and inasmuch as Rudy was dragged into the case due to the moral ascendancy of his brother-in-law over him (Rudy), the death penalty would appear harsh. Executive clemency should be extended to them.

Their electrocution, like their incarceration, would be prejudicial to their family which was also the family of the deceased victim, Manuel Magbanua.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.