

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
ROGER PERETO Y MANLAPAS, ET AL., DEFENDANTS. VICTORIO
SAJORDA Y CAMPUS, DEFENDANT-APPELLANT.**

G.R. No. L-20894. December 29, 1967

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PER CURIAM:

In Criminal Case No. 482-R of the Court of First Instance of Rizal, Roger Pereto y Manlapas and Victorio Sajorda y Campus, were charged with the crime of murder in the information filed against them, which reads as follows:

"That on or about the 25th day of March, 1959, in the New Bilibid Prison, municipality of Muntinlupa, province of Rizal, Philippines and within the jurisdiction of this Honorable Court, the above-named accused conspiring and confederating together and mutually helping one another, armed with deadly weapons to wit: sharp-pointed instruments, with intent to kill and with treachery and evident premeditation, did then and there, willfully, unlawfully and feloniously attack, assault and stab one Receval Langlañgan, thereby inflict-ing upon the latter stab wounds on the different parts of his body which caused his death instantaneously.

"That the accused are quasi-recidivists having committed the above-mention-ed felony while serving their respective sentences after having been convicted of final judgment by competent courts."

Upon arraignment on June 2, 1959, Roger Pereto pleaded guilty and so the lower court rendered decision on the same day sentencing him, among others, to death penalty.[1] Victorio Sajorda, on the other hand, pleaded not guilty, hence, trial was held.

During the trial, Deogracias Salvador, a guard at the New Bilibid Prisons at Muntinlupa, testified that on March 25, 1959, at about 6:45 a.m., he was informed by Viado Jopitana that prisoners Roger Pereto and Victorio Sajorda had inflicted serious physical injuries on Rece-val Langlañgan, their co-prisoner, resulting in the death of the latter; that he proceeded to the dormitory where the accused were confined and saw Roger Pereto and Victorio Sajorda holding the sharp-pointed instruments which they admitted to have used in attacking Langlañgan; that Pereto and Sajorda surrendered the instruments to him after which Salvador took them to the office of Gaudencio Jimenez, an inspector of the New Bilibid Prisons, for in-vestigation.

Describing the investigation conducted by him, Gau-dencio Jimenez testified that Sajorda and his co-accused Roger Pereto were brought to his office in the morning of March 25, 1959; that both of them admitted their parti-cipation in the commission of the crime; that the investi-gation was conducted in the presence of two employees of his (Jimenez) office, in the form of question and an-swer in Tagalog, taken down on a typewriter by a typist. Pertinent portion of Sajorda's confession, marked in the record as Exhibit B, reads as follows:

"2 - T - Handa ka bang magbigay ng iyong kusang-loob na salaysay sa imbistigasyong ito?

S - Opo.

3 - T - Kung ganon, sabihin mo ang iyong pañgalan at lahat ng mga bagay-bagay na maaaring pakakilanlan sa iyong pagkatao.

S - Victorio Sajorda, bilanggon may bilang 19005-C, 22 taong gulang, Pilipino, binata, tubo sa Kina-pandan, Samar, at napasok dito sa bilangu-an sa pagkakasalang pag-nakaw at pagpuga sa bilangguan sa munisipyo ng Kinapandan, Samar.

4 - T - Bilang isang bilanggo, saan ka na-kakulong dito sa bilangguan?

S - Sa dormitoryo 4-A, Po, Silda No. 1.

5 - T - Anung nangyari sainyo kaninang umaga?

S - Sa bandang alas 6:30 ngayong umaga, Po, doon sa buyon sa dormitoryo 4-A, ako at si Roger ay pinatay namin si Receval Langlañgan, No. 30029-P, sa pamamagitan ng pananaksak ng mara-ming bisis noong siya'y bagong tayo upang lumabas sa buyon pagkatapos niyang tumai.

6 - T - Inaamin mo bang pagkakasala iyan?

S - Opo.

7 - T - Nakaharap ba si Langlañgan noong pri mirong saksakin mo?

S - Opo.

8 - T - Sino sa inyo ang unang sumaksak kay Langlañgan?

S - Ako, Po, at ang tinamaan ko ay ang ibaba ng kanyang kaliwang soso.

9 - T - Naliwanag na ba sa loob ng buyon noong saksakin ninyo siya?

S - Opo.

10 - T - Saan galing ang ginamit mong pa-naksak?

S - Ibinigay ni Roger (Roger Pereto) sa akin kahapon, Po.

11 - T - Matagal na bang balak ninyo siyang patayin?

S - Matagal na po ngunit wala pang ma-higit na isang buwan.

12 - T - Hindi ka ba membro ng anumang 'di legal na pangkat ng mga bilanggo dito sa bilangu-an?

S - Hindi, Po.

13 - T - Alin ba sa mga matalas naito ang ginamit mo?

S - Ito, Po.

14 - T - Bakit ninyo pinatay si Langlañgan?

S - Dahil po sa noong ako'y bagong pa-sok pa dito sa bilangguan, habang ako'y naroon sa 'Hospital Quarantine', ako ay binontal ni Langlañgan nang dahil daw sa ako ay Visa-ya at ang palagay niya sa akin ay OXO daw ako. Sinontok niya ako ng maraming bisis.

15 - T - Sapat na ba iyon na dahilan ng iyong pagpatay sa kanya?

S - Opo.

16 - T - Sino ba ang nakakita sa inyo noong sina-saksak ninyo si Langlañgan?

S - Wala po sapagkat kami'y tatlo la-mang doon.

17 - T - Hindi ba lumaban si Langlañgan noong nasaksak mo na ng isang bisis?

S - Hindi, Po.

18 - T - Wala ba kayong mainit na sagutan mo-na ni Langlañgan bago mo siya sinaksak?

S - Wala, Po, basta pagpasok ko sa kubita na kasama ko si Roger, noong nakaka-ayos na si Langlañgan, si-naksak namin siya agad.

19 - T - Tapos na ako sa pagtatanong. May-roon ka pa ba ibang nais na sabihin, bawasin sa salaysay mong ito o kaya idagdag?

S - Wala na, Po.

20 -T- Handa ka bang lumagda at panumpaan na katotohanan at pawang katotohanan lahat ang mga kasagutan mo sa aking mga tanong?

S - Opo."

Gaudencio Jimenez further testified that before he started the investigation he told Sajorda the purpose of the investigation and that the record of the investigation might be used in court against him (Sajorda) and the latter agreed to give statements; that after the investigation, he read to Sajorda, paragraph by paragraph, the statements made by him, after which he handed the same to Sajorda for him to read; that Sajorda read the document and he asked Sajorda if he understood the same and Sajorda answered "Yes"; that after that Sajorda affixed his thumbmark and his signature voluntarily on the two pages where his statements were written; that Sajorda swore to the truth of his statements before Pedro S. Paje, Acting Assistant Director of Prisons who, before signing the jurat, asked Sajorda if those were the statements given by him and the latter answered, "Yes, sir." Gaudencio Jimenez had properly identified all the signatures appearing on the document, Exhibit B.

Dr. Gervacio Acosta, who performed the autopsy on the body of the deceased Receval Langlañgan on March 25, 1959, testified that the cause of the death of said deceased was shock and massive hemorrhage secondary to multiple stab wounds. This witness identified the autopsy report which he made, marked Exhibit A in the record. According to this autopsy report, the deceased Receval Langlañgan received a total of forty-three wounds - 4 on the head, 10 on the neck, 5 on the anterior part of the body, 10 on the posterior part of the body, 13 on the upper extremities, and 1 on the lower extremity. Of the 43 wounds, 38 were stabbed wounds.

The sharp-pointed instruments, marked Exhibits E and E-1 which were used by the accused Victorio Sajorda and his co-accused Roger Pereto in killing Langlañgan were properly identified by witness Deogracias Salvador.

It was also shown during the trial that the accused, Victorio Sajorda, on March 25, 1959, the time of the commission of the crime of which he is charged, was serving in the New Bilibid Prisons in Muntinlupa, Rizal a term of three years, six months and twenty-one days of prison correccional for "evasion of sentence" (Exhibit C). The record shows that he had a previous conviction for theft.

The only evidence for the defense consists in the testimony of accused Sajorda, who testified in his own behalf. On the witness stand, he disowned his confession, Exhibit B, and denied his participation in the commission of the crime. He declared that it was Roger Pereto alone who killed Receval Langlañgan. He further declared that at about 6:30 a.m. on March 25, 1959, he was in Brigade No. 4 lying in bed; that he heard a noise coming from the toilet, and thereafter he saw Roger Pereto with blood on his hands; that he was not arrested by Deogracias Salvador but was brought by a policeman to the office of Inspector Jimenez; that he was forced by Roger Pereto and his (Pereto's) companions to go to Jimenez' office and admit having killed Langlañgan because on that same day he refused to have himself tattooed with the "OXO" sign; that he did not give any statement to Inspector

Jimenez; that the sworn statement, Exhibit B, was prepared by Inspector Jimenez without his intervention; that he could not have read the document, Exhibit B, because his educational attainment was only that of grade III, primary; that if he signed the document it was because Inspector Jimenez told him that the same was only temporary (pansamantala lamang) and that he can narrate the true facts when the case reaches the court; and that he was not brought to Acting Assistant Director of Prisons Pedro S. Paje, to have his statements subscribed and sworn to before him.

Based on the foregoing evidence, the Court of First Instance of Rizal, on October 15, 1962, rendered a decision, the dispositive portion of which reads as follows:

"WHEREFORE, the court finds the accused, Victorio Sajorda y Campus, guilty of the crime of murder, penalized under Article 248 of the Revised Penal Code, and it appearing that the said accused is a quasi-recidivist, the court, pursuant to Article 160 of said code, hereby sentences him to death penalty, to indemnify the heirs of the deceased, Receval Langlañgan, in the amount of Six Thousand Pesos (P6, 000.00), with no subsidiary imprisonment in case of insolvency, and to pay one-half of the costs."

The case is now before this Court on automatic re-view due to the penalty imposed.

The question to be resolved at this instance revolves on the evaluation of the extra-judicial confession of the accused, Exhibit B, and his repudiation of the same at the trial. Or, stated in another way, whether the bare denial by the accused of his participation in the commission of the crime of which he is charged can be given more weight than his confession.

We cannot disregard the confession, Exhibit B, where the accused expressly acknowledged his participation in the commission of the crime charged. There is ample evidence which shows that said confession was made by the accused voluntarily. Inspector Gaudencio Jimenez, who conducted the investigation, declared that all the answers therein contained were spontaneously and voluntarily given by the accused himself, in the presence of two employees (witnesses) of his office; that after the interrogation, he read the statement to the accused paragraph by paragraph, after which the latter affixed his thumbmarks and signatures thereon; and that when brought to Acting Assistant Director Paje, defendant admitted having given the statements contained in the document which he signed and thumbmarked. Other than the subsequent repudiation and self-serving insistence of the accused that his statement, Exhibit B, was already prepared by Inspector Jimenez when he signed the same, no evidence was adduced that the declarations in said statement were involuntary. If it were true that the answers contained in the confession were not furnished by the accused, it would have been extremely easy for him to expose that fact before trial, yet no explanation had been given by him why he never denounced the same to the proper authorities - an inaction which heavily argues against the veracity of his claim. From such inaction, the conclusion can be drawn that accused had voluntarily confessed to his guilt when he was overcome by remorse of conscience, when the investigation was made after the killing. Realizing later the gravity of his admission, it must have occurred to him, as an afterthought, to repudiate it at the trial and claim innocence. We cannot discard the confession of an accused simply because he denies what he stated therein. In a similar case, this Court held:

"Besides the testimonies of the state witnesses, we have the extra-judicial confession of Paulino Mansit admitting his individual participation in the commission of the crime and confirming in material points the State's version of the foul deed. The regularity with which this confession was executed is sufficiently established. Pfc. Neofito Torres, one of those who helped prepare Mansit's affidavit (Exhibit 'K'), declared that all the answers therein were spontaneously and voluntarily furnished by Mansit himself (tsn p. 705). After the interrogation, the declarant was allowed to go over his statements and upon being asked whether the same were true, he replied in the affirmative. Thereafter, he was brought to Assistant Director of Prisons Miss before whom Mansit subscribed and sworn to his affidavit. x x x

"The claim of Mansit that Exhibit 'K' was already prepared when he signed it, is uncorroborated and his repudiation came only for the first time when he took the witness stand in July, 1956, or 1-1/2 years after its execution.[2] As we said in one case:

'The repudiation made by the accused of their affidavits of confessions for the first time only during the trial in the court of first instance is afterthought born of an eleventh hour attempt to escape criminal responsibility.' (People vs. Viernes, et al., 47 Off. Gaz. 123)" (People v. Mitre, et al., L-13030, April 29, 1960)

Moreover, the confession of defendant Sajorda, as well as that of his original co-accused Roger Pereto which is attached to the record, reveal the precise details of their conspiracy to liquidate their victim and the manner they carried out said conspiracy. The record shows that the accused agreed and planned to kill the deceased because of the grudge they had against him - Pereto, for having been mauled by Langlañgan's companions when Pereto lost some sweepstakes tickets he was then selling for the deceased in Pasay City, and defendant Sajorda, for having been boxed by Langlañgan when he (Sajorda) was a new inmate in the penitentiary. These are motives of the crime which the authorities of the insular penitentiary could not have concocted.[3] Furthermore, both accused confessed having stabbed the deceased many times, which is confirmed by the autopsy findings of the medical officer, Dr. Gervacio Acosta, that the deceased sustained 43 wounds on different parts of his body, 38 of them being stabbed wounds. This fact, together with the confiscation of the two sharp-pointed instruments (Exhibits E and E-1) do not jibe with the claim of herein accused that said wounds were inflicted by Pereto alone. The presumption of the law is in favor of the spontaneity and voluntariness of the statement given by an accused, and it is incumbent upon him to destroy that presumption.[4] This, the accused failed to do in the present case. No evidence has been adduced to overcome this presumption except his own re-tracting testimony at the trial. Inasmuch as the question of voluntariness of the confession is one that depends upon the credibility of witnesses, as between the lone testimony of the accused, on the one hand, and the testimonies of the prosecution witnesses, on the other, the trial court did not err when it gave greater weight to the latter, not only because the prosecution witnesses were neutral and disinterested, being government employees who merely testified as to what transpired in the performance of their official duties,[5] but also because the accused himself had admitted that the prosecution witnesses had no reason to falsely testify against him, and that he was not subjected to any violence, torture or bodily harm. As this Court has said:

"Said issue of the voluntariness of the confession is one depending upon the credibility of contending witnesses. Such matter being within the special competence of the trial court, we see no reason in this case to disturb its finding and conclusion that the confession was voluntarily given and not forcibly extracted." (People v. Cesar Reyes y Engreso, et al., L-19894, May 27, 1966)"

" x x x Time after time, this Court has declared that the matter of assigning values to declarations at the witness stand is best and most competently performed or carried out by the trial judge because the latter, unlike appellate magistrates, can weigh such testimonies in the light of the declarant's demeanor, conduct and attitude at the trial. (People v. Refuerzo, 82 Phil. 576; People v. Federico, L-1512, May 12, 1949; People v. Aquino, L-12123, July 31, 1958; People v. Romawak, L-19644, Oct. 31, 1964)." (People v. Secapuri, et al., L-175-18-19, February 28, 1966)"

" x x x As a rule, this Court desists from disturbing the conclusion of the trial court concerning the credibility of witnesses for that court, having seen and heard the witnesses themselves and observed their behavior and manner of testifying, is in a better position to appreciate the evidence. (People v. Daycay, etc., et al., supra, citing People v. Lumayog, G. R. No. L-19142, March 31, 1965." (People v. Pasiona, L-18295, February 28, 1966; See also People v. Quintab, L-21417, January 31, 1966)

We have made a very thorough examination of the record of this case, and We fully agree with the following conclusion of the trial court in its decision:

"After a careful consideration of the evidence on record, it is our considered opinion that the guilt of the accused Vic-torio Sajorda has been established beyond reasonable doubt. We have no reason to doubt the veracity of the testimony of Inspector Jimenez who investigated the said accused and that of prison guard Deo-gracias Salvador. The presumption is that said officers regularly performed their official duty and such presumption has not been overcome by evidence to the contrary. Indeed, no motive has been shown or even intimated as to why said officers incriminated him. We cannot believe that they would be so totally devoid of conscience as to confabulate on an innocent man.

"We are fully satisfied, upon examination of the extra-judicial confession of the herein accused, that the same was spontaneously and voluntarily given. The answers to the questions are highly responsive and the statement itself contains information and details which could possibly be supplied only by the accused himself."

It is noteworthy that counsel de oficio, a very prominent member of the bar, made the following statement in the brief that he filed for the accused:

" x x x We have pondered and mulled over this question long and hard, conscious that the life of a human being is at stake. We wished we could with sincerity argue in favor of appellant's pretension; but after carefully considering his extra-judicial confession Exhibit B vis-a-vis his uncorroborated testimony during the trial, in relation to all the circumstances testified to by the witnesses for the prosecution, we could not honestly sustain appellant's professed innocence."

The crime committed by the herein accused is murder, qualified by treachery, with the aggravating circumstances of evident premeditation and quasi-recidivism (Article 160, Revised Penal Code) - circumstances that are duly established by the evidence.

Finding no error in the decision under review, the same is hereby affirmed. With costs de oficio.

Concepcion, C.J., Reyes, JBL, Makalintal, Bengzon, JP, Zaldivar, Sanchez, Ruiz Castro and Angeles, JJ., concur. Dizon, J., did not take part.

[1] This decision of the lower court was affirmed by this Court on April 29, 1961, but the death penalty imposed upon Roger Pereto was commuted to life imprisonment by the President of the Philippines in his order dated February 21, 1962.

[2] The repudiation of the accused in the instant case was made more than three years after the execution of Exhibit B.

[3] *People v. Mendoza*, et al., L-16392, January 30, 1965; See also *People v. Pagulayan*, L-13292, December 29, 1960; *People v. Cruz*, et al., 103 Phil., 693.

[4] *People v. Garcia*, 101 Phil., 616.

[5] *Guevara v. Girnenez*, L-17171, January 30, 1965.

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