

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
FEDERICO CUISON Y PRESTOZA, ACCUSED-APPELLANT.***G.R. No. L-51363. July 25, 1981*

Ponente: FERNANDO, C.J.

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It is manifest even from a cursory reading of the record and the evidence that this is one of the cases where the automatic review of death sentences by this Court is more than justified. It is a necessity. Such an observation becomes even more warranted considering the comprehensive and scholarly thirty-three page manifestation of Solicitor General Estelito P. Mendoza,[1] on behalf of the People of the Philippines, with the categorical plea that the judgment of conviction finding appellant Federico Cuison guilty of the crime of murder and sentencing him to death be reversed. Considering that in the past year, only in *People v. Andag*,[2] did he make such a recommendation, although in five other decisions[3] this Court likewise acquitted the accused, it becomes even more evident why the judgment should be reversed and the accused set free.[4]

Had there been a greater awareness of the compelling force of the constitutional presumption of innocence[5] on the part of the then trial judge, now Associate Justice of the Court of Appeals, Onofre Villaluz, the sentence certainly should have been one of acquittal. It is the submission of the brief for appellant: "The records of this case will show that the prosecution never presented a witness or witnesses pointing to the accused as the one who killed the victim. Neither did the prosecution establish the possible motive or reason why the accused-appellant should kill the victim, who is his compare. This is significant and highly relevant. The prosecution merely relied on the extra-judicial confession of the accused-appellant, which as earlier said has never been corroborated by other evidence and which confession was secured by means of threat and intimidation. The trial court should have acquitted the accused of the charge of murder and should have ordered the filing of the appropriate criminal complaint of murder against Magtanggol Emeterio, Ricardo Vidana and Baltazar Vidana, in the light of the uncontradicted testimony of the accused, Nelia Corona, the surviving wife of the victim and the victim's uncle, Mr. Fabian Manahan, that the three have the most possible reason or motive to kill the victim. Magtanggol Emeterio had reason or motive to kill the victim in the face of the undeniable existing illicit relationship of his wife with Rosendo Corona, Jr. To avenge his honor, Magtanggol Emeterio had to eliminate or kill Rosendo Corona, Jr., to stop once and for all that amorous relationship his wife had with the victim." [6] It may be said that necessarily the appellant is expected to deny his guilt and to make light of whatever evidence may be presented against him. That is true although in this particular case, portions of the testimony cited in the brief, from the widow as well as the father of the deceased, did cast grave doubt on the guilt of appellant. What has an effect, conclusive in character, is the submission in the exhaustive manifestation of Solicitor General Mendoza, with full support from the evidence on record, that the testimony of accused-appellant of what transpired, judged in the light of the evidence coming from prosecution witnesses, is entitled to greater credence and belief, being more "reasonable and believable." [7]

Such a conclusion is based on the following propositions: "First: To begin with, there appears to be no sufficient

motive for appellant to kill his kumpadre Rosendo Corona, Jr. Instead, the three suspects, namely: Magtanggol Emeterio, Ricardo Vidania and Baltazar Vidania had strong motive to kill the victim. * * * Second: The nature, number and location of the wounds sustained by the victim, as testified to by prosecution witness Dr. Gajardo, numbering about seven, and located on the different parts of the body of the deceased, inexorably indicate that two or three, not only one, assailants attacked the victim and inflicted the said wounds sustained by the latter, one of which was a fracture of the parietal or temporal (back) part of the skull * * *. The cause of the victim's death is 'cardio respiratory arrest due to shock and hemorrhage as a result of the fracture of the skull' * * *. Dr. Gajardo concluded rightly that hard instruments or objects were used in hitting the victim, like club, stick, stone, bamboo club if hard, and that it was possible that two or three persons might have assaulted and killed the victim. * * * Third: Appellant's 'flight' to Pangasinan and his inaction or silence before and after having witnessed the felonious death of his kumpadre Rosendo Corona Jr. were satisfactorily explained by him. * * * Fourth: The extrajudicial confession of appellant was secured from him by the San Mateo police investigators under circumstances showing deceit, duress, violence, intimidation and involuntariness, while appellant was in a state of fear and quandary; hence the same should be rejected as void and inadmissible. * * * Fifth: Subsequent developments in this criminal case only serve to demonstrate the innocence of the appellant of the crime charged against him. * * * Sixth: The prosecution's evidence judicially confirms the truth of the appellant's claim of non-participation in the commission of the crime in question and his charge against the three suspects, namely: Magtanggol Emeterio, Ricardo Vidania and Baltazar Vidania as the real culprits or killers of the deceased Rosendo Corona, Jr." [8]

It is difficult to understand how, in the light of the above, the accused was convicted. The explanation, but certainly not the justification, lies in the acceptance of the version of the prosecution. As narrated in the decision: "The prosecution presented evidence to prove that on April 29, 1978, at around 9:00 o'clock in the morning, at Barrio Ampid, San Mateo, Rizal, a certain Ricardo Vidana, also of the same barrio, unearthed a dead man from a well (balon); that Ricardo Vidana reported the matter to Patrolmen Basilio San Jose and Eduardo Ano, and when the policemen reached the place they instructed Ricardo Vidana to take out the body of the victim and they recognized the latter as that of Rosendo Corona, Jr., who had been missing since April 20, 1978 in the evening; that the policemen investigated the surroundings and there they saw a piece of bamboo and a big stone (malaking bato) near a hut not far from the place where they unearthed the body of the victim; that they learned that the owner of the said hut (kubo) was Federico Cuison, a friend and kumpadre of the victim; that said Federico Cuison was not in his house, neither was he in any part of San Mateo, but they were informed that he left for Pangasinan, his hometown; that Patrolman Ano, together with Patrolman Gonzalo Dandalo went to Pangasinan and there they found Federico Cuison; that outright, Federico Cuison admitted having killed Rosendo Corona, Jr., and burying his body not far from his hut on the 20th of April, 1978, at 11:30, more or less in the evening; that upon reaching San Mateo, Rizal, the accused Federico Cuison executed an extra-judicial statement before Patrolman Ano, at the Police Headquarters, stating the following: 'inaamin ko po naman na ako ang pumatay kay Rosendo Corona, Jr.' * * *; that Renato Donato, a resident of Bo. Ampid, San Mateo, Rizal, knows the victim, Rosendo Corona, Jr., and testified that on the night of April 20, 1978, between the hours of 9:00 and 10:00 o'clock, he saw the victim and the accused together enjoying a drink at Aling Vita's Store of said barrio and he was offered a glass of gin; that after drinking, he left and promised to be back after taking home the two women companions; that he returned as promised but on the way he met the victim and the accused going out of the store, so they walked all together until they reached the approach of the bridge (puno ng tulay) of Ampid where he separated from the two and the latter entered the way to Pag-asa Compound leading to the hut of the accused Cuison; that after that incident he did not see the victim any-more and he was informed that the victim was missing since that evening of April 20, 1978, together with the accused; that later, on April 29, 1978, he learned and saw the body of Rosendo Corona, Jr., dug out from a well (balon)."[9]

Reference is made anew to what was stated in the brief for accused-appellant. The two prosecution witnesses, the two closest relatives of the victim, the widow and the father, absolved the accused-appellant of the crime imputed to him. Moreover, the private prosecutor, Attorney Eleazar Castellano, moved for the dismissal of the case. Thus: "Immediately after the defense rested its case, private prosecutor Atty. Castellano orally moved for the dismissal of the case and the acquittal of the accused Federico Cuison of the crime charged, stating that the antecedent facts and circumstances as revealed by the evidence adduced during the trial point clearly to the three persons, namely: Magtanggol Emeterio, Ricardo Vidania and Baltazar Vidania as the real malefactors who feloniously killed the victim, Rosendo Corona, Jr.; that the three suspects have a motive to kill the victim; while the accused Federico Cuison had none; and that the accused Federico Cuison is a victim of frame-up * * *. This time, Fiscal Angeles opposed the manifestation and motion of private prosecutor Atty. Castellano, for being made without his prior permission, and he insisted on the conviction of the accused based on the evidence adduced by the prosecution * * *, but he did not touch on the evidence introduced by the prosecution which tended to absolve the accused of the crime charged." [10]

Had there been greater care shown by the trial judge, certainly the judgment could not have been one of conviction, much less one imposing the death penalty. To reiterate what was set forth at the beginning, such judgment must be reversed and the accused acquitted.

1. To repeat, the constitutional presumption of innocence had not been overcome. That is to view the actuation of the trial judge as well as of Fiscal Zosimo Angeles charitably. There is need to stress anew that both the prosecuting arm of the government and, equally so, trial courts should be ever alert lest in their desire to see that a crime be properly punished, the wrath of the law falls on one whose offense had not been duly proved and therefore convicted without due process of law. [11] As so well put in the Manifestation of the Solicitor General: "We have shown above that the prosecution witnesses themselves, no less than the widow, father and uncle of the victim, testified to an incident wherein Magtanggol Emeterio almost caught both the deceased Rosendo Corona, Jr. and his (Emeterio's) wife in love tryst at the house of the appellant, thus proving that the three suspects have a strong motive to kill the victim pursuant to their criminal conspiracy to make the victim pay for his misdeed (atraso), while a co-detainee of the appellant testified to the continuing threat of Baltazar Vidania against appellant to kill him and his family if ever he would squeal on them as the killers of his kumpadre * * *. The foregoing declarations of said prosecution witnesses, which are adverse to the prosecution's cause, confirm the version of the defense as to how Rosendo Corona, Jr. was killed feloniously by the above-named three suspects, as testified to by appellant * * *, which he further explained in detail in his second written statement given to Pat. Ernesto Garcia, police investigator of the San Mateo Police Department, on July 28, 1978 * * *. It should be noted that the trial fiscal, State Prosecutor Zosimo Angeles, who was present throughout the proceedings of this criminal case in the court below, never objected to the presentation of the above-named four prosecution witnesses and to their adverse declarations in court. And there is no showing why their declarations in open court may be doubted or vitiated. Such being the case, the prosecution is bound by the declaration of its own witnesses which tended to absolve appellant of the crime charged, thus rendering the prosecution's cause, as testified to only by Pat. Ano, weak and unavailing. As a matter of fact, private prosecutor Atty. Eleazar Castellano, after the defense rested its case, found the prosecution's evidence weak and doubtful that there and then in open court he orally moved for the dismissal of the criminal case or for the acquittal of the appellant of the crime charged, stating that the evidence adduced during the trial clearly reveal that three persons, namely: Magtanggol Emeterio, Ricardo Vidania and Baltazar Vidania are the real malefactors who conspired in killing the victim Rosendo Corona, Jr.; that the three suspects have the strong motive, while appellant has none, to kill the victim; and that appellant is a victim of a frame-up * * *. While it is true that the private prosecutor did not have the prior permission or authority from the trial fiscal to make the manifestation and motion to dismiss or to acquit the appellant * * *, yet

the trial fiscal, in opposing the private prosecutor's motion, did not touch on the evidence introduced by the prosecution which tended to absolve the appellant of the crime charged.”[12]

It suffices to recall *People v. Dramayo*.^[13] Thus: "Accusation is not, according to the fundamental law, synonymous with guilt. It is incumbent on the prosecution to demonstrate that culpability lies. Appellants were not even called upon then to offer evidence on their behalf. Their freedom is forfeit only if the requisite quantum of proof necessary for conviction be in existence. Their guilt must be shown beyond reasonable doubt. To such a standard, this Court has always been committed. There is need therefore, for the most careful scrutiny of the testimony of the state, both oral and documentary, independently of whatever defense is offered by the accused. Only if the judge below and thereafter the appellate tribunal could arrive at a conclusion that the crime had been committed precisely by the person on trial under such an exacting test should the sentence be one of conviction. It is thus required that every circumstance favoring his innocence be duly taken into account. The proof against him must survive the test of reason; the strongest suspicion must not be permitted to sway judgment. The conscience must be satisfied that on the defendant could be laid the responsibility for the offense charged; that not only did he perpetrate the act but that it amounted to a crime. What is required then is moral certainty.”^[14]

2. The trial judge, in arriving at the sentence of conviction, made much of the alleged extra-judicial confession by the accused. Reference to the manifestation of the Solicitor General is enough to demonstrate why such should not have been the case. The extrajudicial confession in legal contemplation is worthless. Again, there is need to stress that both the prosecuting arm and trial judges must not disregard the authoritative pronouncements of this Tribunal on the matter. On this point, the manifestation of the Solicitor General had this to say: "It should be stressed here that Pat. Ano was also not telling the truth when he declared that appellant verbally admitted to them while they were still in Pangasinan that he killed his kumpadre Rosendo Coronio, Jr. Pat. Ano could not decide when appellant made the verbal admission: whether on the occasion immediately when they found him inside a house at San Jacinto, Pangasinan or inside the jeep during their trip back to San Mateo from Pangasinan * * *. Pat. Ano himself admitted in his testimony that appellant, despite their asking questions why he killed his kumpadre, merely begged of them: 'ang sabi niya sa Headquarters daw siya magpapa-liwanag' * * *; thus appellant did not make any verbal admission at that time. Instead, he told the police investigators who found him in Pangasinan that he did not kill his kumpadre, and that he could not tell them the real culprits at that time because Baltazar Vidania (who made the threat to kill him and his family if he would squeal on them) was present, who came along with the police investigators to Pangasinan * * *. The truth of the matter, therefore, is that appellant merely pleaded with the police investigators who saw him in Pangasinan that he be allowed to explain at the police headquarters in San Mateo, Rizal, the reasons why he came to and hid in San Jacinto, Pangasinan after he had witnessed the felonious killing of his kumpadre in the late evening of April 20, 1978 in Bo. Ampid, San Mateo, Rizal. But when they arrived at San Mateo, Rizal on that day, April 29, 1978, Baltazar Vidania was always seen with the police investigators when the latter were questioning him * * *. Thus, appellant decided to remain tight-lipped regarding the circumstances surrounding the death of his kumpadre. On May 5, 1978 when he was being questioned by the police investigators, he refused to admit having something to do with the killing of his kumpadre. According to the appellant, police investigators Pat. Eduardo Ano and Pat. Ernesto Garcia inflicted acts of violence upon his body (binugbog), which caused him to make the verbal admission that he killed his kumpadre * * *. This is perhaps the verbal admission referred to by Pat. Ano in his testimony. Then came the day, May 6, 1978, for the taking of appellant's extrajudicial confession. Earlier during the said day, appellant was warned by Baltazar Vidania when the latter went to the former's cell at the municipal jail of San Mateo, reminding him of his previous threat * * *. And even before the formal investigation could start, appellant saw Baltazar Vidania inside the investigation room at the police headquarters, together with the police investigators, and Baltazar Vidania approached him and whispered to him that if he would squeal or point on

them as the killers of his kumpadre, the three of them would kidnap him * * *. Besides the presence of Baltazar Vidania, appellant had the misfortune of being assisted by a lawyer whose interest was adverse to his (appellant's) cause. Pat. Ano declared that appellant had a lawyer by the name of Atty. Juan Moreno of San Mateo, Rizal, during the investigation; that he saw Atty. Moreno and the appellant talk to each other three times; that it was Atty. Moreno, after talking to the appellant, who announced that they could start the investigation; and that he was sure Atty. Moreno was assisting the appellant during the investigation as the latter's counsel * * *. But Atty. Juan Moreno, testifying as a defense witness, declared that he was the private prosecutor during the preliminary investigation before the municipal court of the very criminal complaint against appellant for the murder of Rosendo Corona, Jr. * * *. According to Rosendo Corona, Sr., father of the said deceased, testifying as a prosecution witness, Atty. Juan Moreno was their lawyer involving the case of the felonious death of his son before the municipal court, and that Atty. Moreno was already handling the case of his son when he (Atty. Moreno) went to the police headquarters of San Mateo * * *. Despite this conflict of interest, Atty. Moreno admitted in open court that he used to visit the appellant at the jail of San Mateo during the time he was the private prosecutor of the case against the appellant * * *. Pat. Ano claimed that all his questions asked of the appellant, which became the basis of the latter's extrajudicial confession * * *, were freely answered by the appellant in the presence of Atty. Moreno * * *. But Atty. Moreno contradicted or debunked Pat. Ano's claim, saying that he (Atty. Moreno) was present only before the formal investigation started. He admitted having talked to the appellant who told him (Atty. Moreno) that he (appellant) preferred to declare before the judge in open court; hence, he left the investigating room. He was not, Atty. Moreno maintained, present when appellant's extrajudicial confession was being reduced to writing. * * * Under the foregoing circumstances, appellant then had no alternative but to make his forced, but still qualified confession, * * *. More revealing are certain features of the extrajudicial confession * * * which render the same of doubtful validity. With the clear and emphatic answer of the appellant to the third question, wherein he pleaded that he be allowed instead to tell everything before a judge or court, the police investigators should have stopped there and then the taking of his written confession. But the police investigators insisted on making him say something about the verbal admission appellant had made the previous day after he was subjected to bodily harm. Thus, the fourth question was asked, and the appellant, still nurturing the fear of the threats from the suspects and the bodily harm that may again be inflicted upon him by his police tormentors, reiterated his previous short verbal admission, if only to put a stop or end to the investigation right there and then * * *. Since there is no eyewitness to the killing, if they have zeroed their suspicion upon the appellant as the culprit, the police investigators should have asked from the appellant and included in the said extrajudicial confession, the background and surrounding circumstances, motive, and other facts involving the felonious death of Rosendo Corona, Jr. and appellant's flight to Pangasinan. Appellant's extrajudicial confession * * * lacks the details of the killing of the victim as well as the burying of the latter's dead body. Even the joint police affidavit or report of police investigators Pat. San Jose and Pat. Ano * * * is absent of these important and necessary details. By itself, the extrajudicial confession * * * does not provide the reasons and circumstances to convince a magistrate with an impartial mind to conclude that appellant is guilty of the crime charged beyond reasonable doubt."[15] A confession of that character, to repeat, is not deserving of any credence. The reliance of the trial judge therefore on such an alleged admission was misplaced. He failed to accord deference to what has been the unbroken rule in this jurisdiction from the case of *United States v. delos Santos*,[16] a 1913 decision. A later case, *People v. Bagasala*[17] speaks to this effect: "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."[18] What was said later in the opinion is quite appropriate for the manner the trial judge discharged his function: "It is unfortunate that the lower court failed to abide by the authoritative doctrines that ban the use of

involuntary confessions in accordance with the constitutional provision against self-incrimination which, in the language of Justice Sanchez, should be 'mandatory', being 'a valuable and substantial right.'"[19] Then, too: "The above testimony notwithstanding, the lower court could still look upon such confession as free of any infirmity. Clearly, that was error, as pointed out by appellant. The constant course of decisions of this honorable Tribunal, true to the meaning of the self-incrimination clause, forbids the admission of any confession obtained under such circumstances. It would be to render nugatory a valuable constitutional right if judges of the courts of first instance display less than full sensitivity to its command. A conviction resting on such proof, and such proof alone, certainly cannot be allowed to stand."[20]

WHEREFORE, the judgment of the lower court dated February 16, 1979, is reversed, and the accused, Federico Cuison y Prestoza, is acquitted. This decision is immediately executory, and he is therefore to be set free forthwith, unless he is held for some other valid charge or charges in accordance with law. Let a copy of this decision be furnished the Ministry of Justice for its information and guidance insofar as an investigation of the true facts of this gruesome killing is concerned with reference to the following-named individuals, Magtanggol Emeterio, Ricardo Vidana and Baltazar Vidana referred to, its attention being particularly invited to their alleged participation. No costs.

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

Barredo, J., concurs and suggests that the policemen involved in the taking of the appellant's supposed confession be also investigated.

Teehankee, J., no part.

[1] He was assisted by Assistant Solicitor General Ruben E. Agpalo and Solicitor Deusdedit B. Quijano.

[2] L-43618, March 31, 1980, 96 SCRA 861.

[3] Cf. *People v. Pampaluna*, L-33805-09, March 31, 1980, 96 SCRA 787; *People v. Arciaga*, L-38179, June 16, 1980, 98 SCRA 1; *People v. Alindog*, L-35914, June 25, 1980, 98 SCRA 258; *People v. Bardaje*, L-29271, August 29, 1980; *People v. Galvez*, L-26944-45, December 5, 1980.

[4] Counsel de officio Teofilo F. Manalo is equally deserving of commendation for the able analysis of the evidence in his thirty-seven page brief for appellant.

[5] According to Article IV, Sec. 19 of the Constitution: "In all criminal prosecutions, the accused shall be presumed innocent until the contrary is proved, and shall enjoy the right to be heard by himself and counsel, to be informed of the nature and cause of the accusation against him, to have a speedy, im-partial, and public trial, to meet the witnesses face to face, and to have compulsory process to secure the attendance of witnesses and the production of evidence in his behalf. * * *"

[6] Brief for the Accused-Appellant, 29-30.

[7] Manifestation, 11.

[8] Ibid, 11-12, 14, 15, 16, 23 and 25.

[9] Decision of the Lower Court dated February 16, 1979, 2-3.

[10] Manifestation of June 5, 1981, 7.

[11] According to Article IV, Section 17 of the Constitution: "No person shall be held to answer for a criminal

offense without due process of law."

[12] Manifestation, 25-27.

[13] L-21325, October 29, 1971, 42 SCRA 59.

[14] Ibid, 64. From *People v. Molina*, L-30191, October 27, 1973, 53 SCRA 495, to *People v. Laguisma*, L-46297, June 19, 1980, 98 SCRA 69, at least twenty cases may be cited where *Dramayo* was invoked.

[15] Manifestation, 16-20; 21-22.

[16] 24 Phil. 358.

[17] L-26182, May 31, 1971, 39 SCRA 236.

[18] Ibid, 241-242.

[19] Ibid, 243.

[20] Ibid, 244. Cf. *People v. Buscato*, L-40639, November 23, 1976, 30 SCRA 30.

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