

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RUFO LLENARESAS ALIAS “RAFAEL LLENARESAS,” ACCUSED-APPELLANT.

G.R. No. 100462. September 29, 1995

Ponente: FELICIANO, J.

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FELICIANO, J.:

Romeo Jabil, Armando Depusoy, Rufo Llenaresas, Jesus Capistrano, Herminio de Ramos and Rolly Hernandez were charged with the crime of robbery with homicide in an information which read as follows:

"That on or about the 31st day of January, 1988, in the City of Lucena, Province of Quezon, Philippines, and within the jurisdiction of this Honorable Court, the said accused, armed with deadly weapons, with intent to gain, by means of violence, conspiring and confederating together and mutually helping with one another, did then and there willfully, unlawfully and feloniously take and steal one (1) passenger jeepney, cash money and jewelries with a total value of One Hundred One Thousand Pesos (P101,000.00), owned by and belonging to Antonio Maligaya, without the consent and against the will of the latter, to the damage and prejudice of the offended party in the aforesaid sum of P101,000.00, Philippine currency; and by reason or on occasion of such robbery, the accused stabbed the abovenamed Antonio Maligaya thereby causing his death.

Contrary to law."^[1]

At arraignment, three (3) of the accused, that is, Romeo Jabil, Armando Depusoy and Rufo Llenaresas, assisted by counsel, entered a plea of not guilty. The other three (3) accused, being still at large, were not arraigned.

The three (3) accused who had been arraigned proceeded to trial. However, on 16 September 1988, the accused Romeo Jabil escaped from detention and has since then remained at large. The trial continued in respect of Armando Depusoy and Rufo Llenaresas. The trial also continued in respect of Romeo Jabil in absentia, being represented by counsel throughout the proceedings.

On 15 May 1991, the trial court rendered a decision finding Romeo Jabil and Rufo Llenaresas guilty of robbery with homicide and sentenced each of them to reclusion perpetua and to pay the heirs of the victim Antonio Maligaya the amount of P30,000.00 as indemnity, plus P68,771.08 as funeral expenses and P10,000.00 as reimbursement of the cost of the repair of the stolen jeep, and costs.

Armando Depusoy was, however, acquitted by the trial court. Hence, Rufo Llenaresas is the sole appellant in the instant case.

The facts found by the trial court have been accurately summarized in the brief filed by the Solicitor General in the following manner:

"In the early morning of February 1, 1988, the Integrated National Police (INP) of Lucena City received a telephone call that an unidentified person was found dead at the Pleasantville Subdivision, Barangay Ilayang Iyan, Lucena City. At around 6:30 A.M. of the same day, P/Sgt. Carlos Santos, Sgt. Jose Adorneo and Pat.

Romeo Castillo, went to the said place where they found a cadaver with many stab wounds and covered with blood lying in a grassy area far from the houses in the area. They found scattered about two (2) meters from the cadaver, one (1) black cap (Exhibit 'C'), a blue and white cap (Exhibit 'D') and a leatherized slipper (Exhibit 'E'). Milling around the body were residents of Pleasantville and some jeepney drivers who identified the cadaver as that of Antonio Maligaya, a jeepney driver. The wallet of the victim also disclosed an ID of one Antonio Maligaya. The wife of Antonio Maligaya was summoned and she identified the cadaver as that of her husband, Antonio Maligaya (TSN, July 6, 1988, pp. 13-19; TSN, July 13, 1988, pp. 3-5).

The police then caused pictures to be taken of the cadaver and the scene of the crime. Thereafter they brought the cadaver to the Funeraria Popular (pp. 19-20, *ibid*).

Dra. Eva Yamamoto examined the cadaver of Antonio Maligaya at around 10:30 A.M. of that same day (TSN, July 6, 1988, pp. 2-9). Dra. Yamamoto's findings are as follows:

'External Findings:

On the chest:

Left Chest — x x x [3 stab wounds].

Right Chest — x x x [1 stab wound].

Back — x x x [2 stab wounds].'

Dra. Yamamoto testified that the immediate cause of death of Antonio Maligaya was hemorrhage (p. 8, *ibid*) which she had indicated in a medical certificate (Exhibits 'B' and 'B-1').

On February 2, 1988, the Cainta Police received a report that there was an abandoned jeep in one of the subdivisions in Cainta, Rizal. After recovering the vehicle, they reported the matter to the Anti-Carnapping Unit in Camp Crame which verified the ownership of the abandoned jeep (TSN, June 30, 1989, pp. 4, 5, 12, 18).

On February 4, 1988, INP of Lucena City was informed that there was an abandoned jeep registered in Lucena City that was recovered in a subdivision in Cainta (TSN, April 13, 1989, pp. 5-6).

Thereafter, a group of eight (8) among them P/Sgt. Carlos Santos, Pfc. Mauricio Driz, Pat. Ramon Tan, Antonio Maligaya, Sr., father of the victim, and his brother-in-law, went to Cainta, Rizal. From the registration papers of the jeepney which the uncle of the victim brought with him, they were able to determine that the abandoned jeepney was that owned by Antonio Maligaya. The police of Cainta turned over to them the jeepney (TSN, July 6, 1988, pp. 20-23).

In the course of their post investigation, P/Sgt. Carlos came to know of Alice Jabil, who was brought to their headquarters by Sgt. Somera. Alice Jabil identified the black cap belonging to her husband Romeo Jabil (pp. 23-26, *ibid*). Alice Jabil executed a sworn statement (Exhibit 'F') before Cpl. Ernesto Ginauli that the black cap was that of her husband (TSN, September 8, 1988, pp. 31-33).

P/Sgt. Eduardo Somera, Chief of the Investigation Section of the Lucena City Integrated National Police (INP) organized a team to apprehend Romeo Jabil. They went to the house of Romeo Jabil in Brgy. Ilayang Iyan, Pleasantville, Lucena City but did not find him (TSN, Aug. 10, 1988, p. 6).

In the course of gathering information about Romeo Jabil, the police learned that his companions were Herminio de Ramos, Armando [Depusoy] and Rufo Llenaresas. They tracked down the companions of Romeo Jabil and came to know a certain Lilita Rosquero, the live-in partner of Rufo Llenaresas whom they invited to the police headquarters and were able to learn from her that the blue and white cap and the slipper found at the scene of the

crime belonged to Herminio de Ramos and that Rufo had not been coming home anymore at their home in Lucena City. Lilita Rosquero executed a sworn statement marked as Exhibit 'G' (pp. 9-10, *ibid*).

In the afternoon of February 20, 1988, a man who claimed that he came all the way from Marikina arrived at [the Lucena Police] Headquarters asking about the carnapping incident in Lucena City where a certain Antonio Maligaya was killed. The group of Sgt. Somera became interested and asked him what he knew about the incident. The man told them that he knew the hideout of the three (3) suspects namely: Romeo Jabil, Rufo Llenaresas and Armando [Depusoy] and Calumpang, Marikina. The man told them that he came to know of the incident because the three (3) suspects were constantly talking about it and admitted that they were the ones who perpetrated the crime. The man asked them if there was a reward for the information (p. 19, *ibid*).

On that same day, Sgt. Somera immediately organized a team which he headed and composed of Police Cpl. Ernesto Ginauli, Pfc. Mauricio Driz, Pat. Freddie Carabit and Pat. Dequina. They proceeded to Calumpang, Marikina (pp. 18-19, *ibid*).

After midnight they were able to arrest the three (3) accused, namely: Romeo Jabil, Rufo Llenaresas and Armando Depusoy from two (2) adjacent houses in Calumpang, Marikina. Romeo Jabil and Armando [Depusoy] were arrested in one of the houses while Rufo Llenaresas was arrested in the nearby house of his parents (pp. 18-21, *ibid*).

On February 21, 1988, the police brought the three (3) suspects to Lucena City. At the police headquarters Rufo Llenaresas executed his extra-judicial confession before Cpl. Ernesto Ginauli (Exhibit I) while Romeo Jabil executed his extra-judicial confession before Sgt. Somero (Exhibits 'A', 'A-1' and 'A-2'). Both extra-judicial confession were executed in the presence of Atty. Meliton Angeles and during the investigation, both accused were informed of their constitutional rights during custodial investigation (pp. 20-21, *ibid*). "[2]

The extrajudicial confessions executed by Romeo Jabil and Rufo Llenaresas indicated that the six (6) accused had planned and agreed to "carnap" a car as they had a buyer for such car. However, on the evening of 31 January 1988, having been unable to pinpoint a car that they could steal, the accused decided to steal a jeepney instead. At about 8:00 o'clock that evening, they all boarded a passenger jeepney which was owned and driven by Antonio Maligaya. There were no passengers other than the six (6) accused. Sometime after boarding the jeepney, they threatened the driver Antonio Maligaya with knives, yanked him out of the driver's seat; the accused Capistrano then took the wheel and drove the jeepney to Pleasantville Subdivision in Lucena City. Inside the subdivision, at the end of one of the concrete roads therein, the accused forced Antonio Maligaya out from the jeep with the intention of tying him to a lamp post. Antonio Maligaya was, however, able suddenly to free himself and ran away. Four (4) of the accused chased him; the other two (2) stayed in the jeepney. When the four (4) caught up with the luckless Maligaya, Llenaresas stabbed him many times while the others held on to the victim. The accused left Maligaya on the ground and ran back to the jeepney and proceeded from Lucena to Cainta, Rizal to offer the jeepney for sale. The sale did not materialize because the prospective buyer insisted upon a car rather than a jeepney.

Appellant Llenaresas assigns the following as supposed errors of the trial judge:

"I.

The trial court erred in admitting in evidence the extra-judicial confession of accused-appellant and making it the basis of his conviction despite the fact that it is inadmissible for having been extracted in violation of the Constitution.

II.

The trial court erred in finding accused-appellant guilty beyond reasonable doubt of the crime charged despite the failure of the prosecution to prove his guilt beyond reasonable doubt."[3]

The principal issue posed by appellant Llenaresas is the admissibility of his extrajudicial confession. At the trial, he contended that he had been coerced into executing his confession by force and intimidation and had done so without the assistance of counsel. Llenaresas also denied participation in the crime charged, claiming that on the date the robbery with homicide took place he was in Calumpang, Marikina, Province of Rizal, at the house of his parents. He testified that he and Armando Depusoy had been arrested at his (Rufo Llenaresas's) parents' house in Marikina on 21 February 1988 at around one o'clock in the morning. They were allegedly hogtied and forced into a jeep. Inside the jeep, Llenaresas also testified, they were mauled by the police who demanded that Rufo and Armando own the robbery and killing of Antonio Maligaya. They were brought by the police to Lucena City. At the police headquarters in Lucena City, Llenaresas continued, he was first thrown into a dark room. Inside the darkened room, he was boxed while the police demanded that he admit his guilt. He claimed that he was beaten into unconsciousness and that when he woke up, about 7:00 o'clock in the morning, he found himself in jail. Thereafter, he was asked to sign a document with the promise that if he signed, the beatings would stop. Llenaresas stated that after some further beating, he signed the document. He also testified that when the police began to investigate him, he was not informed of his constitutional rights and that there was no lawyer around when he signed his confession.[4]

The sworn extrajudicial statement signed by Rufo Llenaresas, however, itself states that Llenaresas had been informed of his right to remain silent. His sworn statement reads, in relevant part as follows:

"Tanong:

Ikaw Rufo Llenaresas ay aking sinisiyasat tungkol sa isang kasong pakakarnap ng isang pampasaheong jeep at pagpaslang sa isang naggangalang ANTONIO MALIGAYA noong ika-31 ng Enero 1988 sa Pleasantville, Lungsod ng Lucena. Ngunit bago ko simulan ang pagsisiyasat na ito ay nais kong ipaliwanag sa inyo ang inyong mga karapatan alinsunod sa Binagong Saligan Batas tulad ng mga sumusunod:

1.

Na karapatan mo ang manatiling tahimik at huwag sumagot sa aking mga itatanong?

Tanong:

Ito bay nauunawaan mo ang sinasabi ko sa iyong karapatan?

Sagot:

Opo. Opo.

Tanong:

Kung ito ay iyong nauunawaan ang sinabing karapatan mo na manatiling tahimik at huwag sumagot sa aking mga itatanong, ito bang karapatan mo ay iyong tatalikuran o iyong gagamitin bilang sinisiyasat?

Sagot:

Hindi na po kase ang sasabihin ko ay pawang katotohanan lamang."[5]

Rufo's extrajudicial confession also stated that he had been assisted by counsel during the custodial investigation and in connection with the execution of his sworn confession. The relevant portion of his confession reads:

"Tanong:

Na karapatan mo ang kumuha ng sariling abogado na iyong pili at kung ikaw ay wala ay nakahanda ang tanggapan na ito na gawaran ka ng mapagkakatiwalaang abogado, ito ay nauunawaan mo?

Sagot:

Opo. Opo at nais kong kuhanin ay si Atty. Meliton Angeles.

Tanong:

Kahit na si Atty. Meliton Angeles ay nandito sa tanggapan ng pagsisiyasat at matapos ipaliwanag din sa iyo ang mga iyong karapatan at kahihinatnan sa iyong pagsasalaysay na ito, ay nais mo pa bang ipagpatuloy ang pagsisiyasat at pagtatapat mo sa akin?

Sagot:

Opo. Opo."^[6]

Moreover, in the middle of the sworn statement and preceding the question and answer portion of that statement, appears the following:

"Tanong:

Na anoman ang iyong nais sabihin at ipagtapat sa pagsasalaysay na ito ay maaaring gamitin laban o pabor sa iyo kung ito ay makarating sa hukuman, ito bay nauunawaan mo?

Sagot:

Opo.

Tanong:

Nais mo pa bang ipagpatuloy ang pagsisiyasat at pagsasalaysay na ito?

Sagot:

Opo, at ako ay kusang loob na nagtatapat sa inyo.

Tanong:

Handa mo bang lagdaan bilang patunay na ang lahat ng mga karapatan ay iyong nauunawaan at ikaw ay hindi sinaktan at tinakot?

Sagot:

Opo.

(Sgd.) Rufo Llenareza

Rufo Llenareza

May Lagda

Assisted by:

(Sgd.) Meliton V. Angeles

Atty. Meliton V. Angeles.

x x x x x

Tanong:

Handa mo bang lagdaan at panumpaang ang salaysay mong ito na wala sinuman nanakit, tumakot, nagbigay ng pabuya bagkus ay iyong kagustuhan.

Sagot:

Opo.

(Sgd.) Rufo Llenareza

Rufo Llenareza

May Lagda

Assisted by:

(Sgd.) Meliton V. Angeles

Atty. Meliton V. Angeles.

NILAGDAAN at SINUMPAAN sa harap ko ngayong ika-21 ng Enero 1988 dito sa Lungsod ng Lucena.

(Sgd.) Pedro S. Nantes

CERTIFICATION

I HEREBY CERTIFY that I have personally examined the affiant and that I am fully satisfied that he voluntarily executed and understood this affidavit.

(Sgd.) Pedro S. Nantes"[7]

The Pedro S. Nantes who executed the preceding "certification" was Second Assistant City Prosecutor of Lucena City. He testified that the extrajudicial statement of Rufo Llenaresas was already signed by Rufo at the time such statement was brought to him (Nantes) to be subscribed and sworn to and that before the sworn statement was authenticated by him (Nantes), he asked Rufo whether the latter had been informed of his constitutional rights during custodial investigation, e.g., the right to remain silent and the right to counsel. Rufo had answered in the affirmative. Prosecutor Nantes also questioned Rufo whether the latter had voluntarily executed the extrajudicial statement and whether the contents of such statement signed by Rufo were true and correct. Rufo Llenaresas once more answered in the affirmative and Prosecutor Nantes accordingly asked Rufo to sign his extrajudicial statement once more before him and Rufo did so. Finally, Prosecutor Nantes also testified that he had asked both Romeo Jabil and Rufo Llenaresas whether they had in fact been assisted by counsel and each had said yes. Nantes in fact stated that he then and there telephoned Atty. Angeles and asked him whether he had actually given assistance to Jabil and Llenaresas in the execution of their sworn statements in the course of the custodial investigation and that Atty. Angeles confirmed that he had assisted the two (2) accused in the custodial investigation.[8]

In addition, P/Cpl. Ernesto Ginauli of the Lucena City Police, who had taken the written statement of Rufo Llenaresas, testified that he had informed Rufo of his constitutional rights and that Atty. Meliton Angeles had been present during the taking down and execution of Rufo's statement and that Rufo had not been tortured or beaten up by the Lucena police authorities to compel him to give the statement.[9] Cpl. Ginauli's testimony was corroborated by the testimony of Sgt. Eduardo Somera[10] who had taken down the sworn statement executed by Romeo Jabil.[11]

Thus, the testimony given by appellant Rufo Llenaresas is directly contradicted both by the written confession and by the testimony of the police officers who had directly participated in the custodial investigation of Romeo Jabil and Rufo Llenaresas. The trial court heard the testimony given by appellant Llenaresas and by the police officers involved and Prosecutor Nantes and the court chose to believe the statements made by the police officers and the prosecutor. We find no sufficient basis for overturning the conclusion reached by the trial court.

It is true that the prosecution did not present Atty. Meliton Angeles as a witness to confirm his presence during the custodial investigation of Jabil and Llenaresas. Such failure is not, however, fatal to the case of the prosecution since the testimonies of the police officers and of Prosecutor Pedro S. Nantes, in conjunction with the

statements found in the extrajudicial confession itself, were quite adequate to sustain the conclusion reached by the trial court.

Upon the other hand, appellant Llenaresas had failed to submit any evidence, apart from his own testimony, that violence and intimidation had been inflicted upon him to extort from him his sworn confession. Llenaresas had not previously complained to Prosecutor Nantes nor to anyone else about the physical beatings that he claims had been inflicted upon him. He submitted no medical and physical evidence of any injury sustained by him to the trial court. The circumstance that he was under detention during custodial investigation did not necessarily mean that he could not have demanded the assistance of a physician had he in fact been beaten as savagely and as frequently as he claimed. It may be noted that Llenaresas did not assert that he had asked for medical assistance and had been denied such assistance by the police.

It remains only to note that the extrajudicial statements of Romeo Jabil and Rufo Llenaresas are replete with details and they corroborate and complement each other so substantially that it is very difficult to suppose that the statements had been merely derived from the creative imagination of the police officers involved. The confessions, in other words, have the ring of truth about them.

Appellant Llenaresas also complains in his Brief that he and Romeo Jabil had been arrested by the Lucena City Police without the benefit of warrants of arrest. Examination of the record shows that very probably, Llenaresas and Jabil had indeed been arrested without a warrant of arrest issued by a judge after the examination of witnesses and determination of probable cause as required by the Constitution. It is, however, much too late in the day to complain about the warrantless arrest carried out by the Lucena police officers in the territory of Marikina, after a valid information had been filed and the accused arraigned and trial commenced and completed and a judgment of conviction rendered against them. The warrantless nature of the arrest of Romeo Jabil and Rufo Llenaresas, whatever other legal consequences that might have, did not render invalid the trial and conviction of Romeo Jabil and Rufo Llenaresas.[12]

WHEREFORE, the judgment of conviction rendered by the trial court dated 15 May 1991 is hereby AFFIRMED, except the indemnity for the death of Antonio Maligaya which is hereby INCREASED to P50,000.00 in accordance with the current case law of the Court.

SO ORDERED.

Romero and Vitug, JJ., concur.

Melo, J., on leave.

[1] Rollo, p. 52-53.

[2] Appellee's Brief, pp. 4-10; Rollo, p. 128.

[3] Appellee's Brief, p. 20.

[4] TSN, Testimony of Rufo Llenaresas, 17 July 1990, p. 8.

[5] Sworn Statement, Exhibit "I"; Records, p. 230.

[6] Id.

[7] Id., Exhibits "I-1" - "I-13", Records, p. 230-231.

[8] TSN, Testimony of Prosecutor Pedro S. Nantes, 23 November 1989, pp. 2-9.

[9] TSN, Testimony of P/Cpl. Ernesto Ginauli, 8 September 1988, p. 10.

[10] TSN, Testimony of P/Sgt. Eduardo Somera, 10 August 1988, p. 26.

[11] Exhibit "H", Records, pp. 227-229.

[12] *People v. Macam*, 238 SCRA 306 (1994); *People v. De Guzman*, 224 SCRA 93 (1993); *People v. Codilla*, 224 SCRA 104 (1993); *People v. Rabang*, 187 SCRA 682 (1990); *Gimenez v. Nazareno*, 160 SCRA 1 (1988).

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