

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RAMON BOLANOS, ACCUSED-APPELLANT.

G.R. No. 101808. July 03, 1992

Ponente: PARAS, J.

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PARAS, J.:

This is a review of the decision of the Regional Trial Court of Malolos, Bulacan, Branch 14, under Criminal Case No. 1831-M-90, for "Murder", wherein the accused-appellant, Ramon Bolanos was convicted, as follows:

"WHEREFORE, judgment is rendered finding the accused guilty beyond reasonable doubt of the Crime of Murder and the Court hereby imposed upon the accused Ramon Bolanos the penalty of Reclusion Perpetua (life imprisonment) and to pay the heirs of the victim P50,000.00. With Costs.

"SO ORDERED." (Judgment, p. 6)

The antecedent facts and circumstances, follow:

The evidence for the prosecution consisted of the testimonies of Patrolmen Marcelo J. Fidelino and Francisco Dayao of the Integrated National Police (INP), Balagtas, Bulacan, Calixto Guinsaya, and Dr. Benito Caballero, Medico-Legal Officer of Bocaue, Bulacan and documentary exhibits. The testimonial evidence were after the fact narration of events based on the report regarding the death of the victim, Oscar Pagdalian which was communicated to the Police Station where the two (2) policemen who responded to the incident are assigned and subsequently became witnesses for the prosecution. (Appellant's Brief, p. 2)

Patrolmen Rolando Alcantara and Francisco Dayao testified that they proceeded to the scene of the crime of Marble Supply, Balagtas, Bulacan and upon arrival they saw the deceased Oscar Pagdalian lying on an improvised bed full of blood with stab wounds. They then inquired about the circumstances of the incident and were informed that the deceased was with two (2) companions, on the previous night, one of whom was the accused who had a drinking spree with the deceased and another companion (Claudio Magtibay) till the wee hours of the following morning, June 23, 1990. (Ibid., p. 3)

The corroborating testimony of Patrolmen Francisco Dayao, further indicated that when they apprehended the accused-appellant, they found the firearm of the deceased on the chair where the accused was allegedly seated; that they boarded Ramon Bolanos and Claudio Magtibay on the police vehicle and brought them to the police station. In the vehicle where the suspect was riding, "Ramon Bolanos accordingly admitted that he killed the deceased Oscar Pagdalian because he was abusive." (Ibid., p. 4)

During the trial, it was clearly established that the alleged oral admission of the appellant was given without the assistance of counsel as it was made while on board the police vehicle on their way to the police station. The specific portion of the decision of the court a quo reads as follows:

"x x x the police boarded the two, the accused Ramon Bolanos and Claudio Magtibay in their jeep and proceeded to the police station of Balagtas, Bulacan to be investigated, on the way the accused told the police,

after he was asked by the police if he killed the victim, that he killed the victim because the victim was abusive; this statement of the accused was considered admissible in evidence against him by the Court because it was given freely and before the investigation.

"The foregoing circumstances clearly lead to a fair and reasonable conclusion that the accused Ramon Bolanos is guilty of having killed the victim Oscar Pagdalian." (Judgment, p. 6)

A Manifestation (in lieu of Appellee's Brief), was filed by the Solicitor General's Office, dated April 2, 1992, with the position that the lower court erred in admitting in evidence the extra-judicial confession of appellant while on board the police patrol jeep. Said office even postulated that: "(A)ssuming that it was given, it was done in violation of appellant's Constitutional right to be informed, to remain silent and to have a counsel of his choice, while already under police custody." (Manifestation, p. 4)

Being already under custodial investigation while on board the police patrol jeep on the way to the Police Station where formal investigation may have been conducted, appellant should have been informed of his Constitutional rights under Article III, Section 12 of the 1987 Constitution which explicitly provides:

"(1) Any person under investigation for the commission of an offense shall have the right to remain silent and to have competent and independent preferably of his own choice. If the person cannot afford the service of counsel, he must be provided with one. These rights cannot be waived except in writing and in the presence of counsel.

"(2) No torture, force, violence, threat, intimidation, or any other means which vitiate the free will shall be used against him. Secret detention places, solitary, incommunicado, or other similar forms of detention are prohibited.

"(3) Any confession or admission obtained in violation of this or the preceding section shall be inadmissible in evidence against him.

"(4) The law shall provide for penal and civil sanctions for violation of this section as well as compensation and rehabilitation of victims of torture or similar practices and their families." (Underscoring supplied).

Considering the clear requirements of the Constitution with respect to the manner by which confession can be admissible in evidence, and the glaring fact that the alleged confession obtained while on board the police vehicle was the only reason for the conviction, besides appellant's conviction was not proved beyond reasonable doubt, this Court has no recourse but to reverse the subject judgment under review.

WHEREFORE, finding that the Constitutional rights of the accused-appellant have been violated, the appellant is ACQUITTED, with costs de oficio.

SO ORDERED.

Narvasa, C.J., (Chairman), Padilla, Regalado, and Nocon, JJ., concur.

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