

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. OSCAR DORO Y LAJAO AND RICKY ANDAG Y ABOGADO, ACCUSED-APPELLANTS.

G.R. No. 104145. November 17, 1997

Ponente: MENDOZA, J.

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MENDOZA, J.:

This is an appeal from the decision rendered by the Regional Trial Court of Cavite City, Branch 16, finding the accused-appellants Ricky Andag and Oscar Doro guilty beyond reasonable doubt of the crime of Robbery with Homicide and sentencing each of them to suffer the penalty of reclusion perpetua.

The facts are as follows:

At around midnight of May 2, 1989, a watchman at the Paredes Furniture Store in Caridad, Cavite City was attacked by three men. Policemen who responded to the report of the crime found the security guard, Rex Ramos, lying on the floor of the furniture store profusely bleeding from stab wounds.[1] Ramos pointed Pfc. Alexander Calupe and Pat. Wilfredo Adam towards Padre Pio Street. He was then loaded on the tricycle and taken to the hospital while the two policemen went after the assailants on Padre Pio Street on board another tricycle. They spotted three men (later on identified as the accused) who fled upon seeing them. They exchanged gunfire and one of the three men, later identified as Renato Borja, was killed.[2] The other two, Ricky Andag and Oscar Doro, were caught. At the Citizens' Legal Assistance Office they gave separate confessions (Exhs. C and D) with the assistance of a CLAO lawyer.

Meanwhile, the security guard Rex Ramos died of multiple stab wounds upon arrival at the Bautista Hospital.[3] The .38 caliber revolver, issued to him by the Sherlock Investigation and Security Agency, had been taken by the assailants. It was later found near the body of Renato Borja, together with three empty shells and two live bullets.[4]

An information charging the three, Oscar Doro, Ricky Andag and Renato Borja, with the crime of Robbery with Homicide was filed on May 8, 1989. It was later amended to exclude the deceased Renato Borja.[5] Accused-appellants pleaded not guilty to the charge.[6]

At the pre-trial conference, the accused-appellants admitted that they had separately and individually executed extrajudicial confessions but claimed that the confessions had been given under duress.[7] Policemen and other witnesses were presented by the prosecution during the trial to refute accused-appellants' claim. The prosecution also presented the arresting officers who were on duty at the time of the incident. These police officers, who had executed sworn statements, were:

Pfc. Alexander Calupe
Pat. Wilfredo Adam
Pfc. Rodrigo Dones

Pat. Rejienaldo dela Cruz and
Police Sgt. Crisanto Ebron

Pfc. Alexander Calupe testified that on May 2, 1989, he was on beat patrol from 9:00 p.m. to 5:00 a.m., together with Pat. Wilfredo Adam when Bgy. Captain Max Reyes arrived and reported that three men were ganging up on a security guard of the Paredes Furniture Store; that upon receipt of the report he and another policeman took a tricycle and proceeded to the place indicated to them. Upon their arrival, they found the security guard sprawled on the floor, who pointed them to the direction to which his assailants had fled.[8] They went after the three and saw them walking towards Padre Pio Street.[9] When Pat. Adam called out to them to stop, identifying themselves as policemen, the three ran towards P. Esteban Street. At the corner of Mabini and Barlan Streets, one of the three pulled a gun and fired at them[10] while his companions kept running. The policemen returned fire. The person who had a gun fell into a canal and then ran towards Mabini Street. The man, who turned out to be Renato Borja, was later found dead near the gate of a house to which he had fled. He was found by responding policemen who recovered a .38 caliber revolver from him. Two live bullets were found inside the revolver.[11] The other two men were caught at 4:00 in the morning of the following day. They were later identified as Oscar Doro and Ricky Andag. Pfc. Calupe said he recognized them as the ones they chased.[12]

Pat. Wilfredo Adam also testified. He was with Pfc. Calupe on the night of May 2, 1989 when Bgy. Captain Max Reyes reported the attack on the security guard at the Paredes Furniture Store. They immediately responded to the report and, at the scene of the crime, found the security guard lying on the floor bloodied. The guard could not talk but pointed to the direction where his assailants had gone. After asking the tricycle driver to take the wounded security guard to the hospital, they took another tricycle and drove toward Padre Pio Street where they caught up with the assailants. Despite their shout to stop, identifying themselves “Pulis Ito,” the three did not heed their warning. He fired a warning shot but still the men did not stop. The policemen cornered the three but one of them turned around and fired at the policemen twice as the other two went inside a yard. Pat. Adam fired back and hit the man.[13] Although the man fell down, he was able to stand up and run. Adam sought cover until other policemen came and found that the man with whom he had traded shots was already dead.[14]

The prosecution’s third witness, Pfc. Rodrigo Dones, testified that he was assigned at Ronquillo Outpost No. 2 on the night of May 2, 1989, when Sgt. Ebron ordered him to proceed to Del Pilar Street because of the reported killing of a security guard at the Paredes Furniture Store.[15] He and Pat. de la Cruz repaired to the place. They spotted two persons in the area. Their clothes, especially their pants, were bloodstained. They therefore frisked them. He found a knife (“balisong”) in Oscar Doro’s possession,[16] while Pat. de la Cruz recovered a knife from Renato Andag.[17] They interrogated the two but the suspects refused to answer. They were therefore taken to the police station.[18]

Pfc. Dones corroborated Pat. De la Cruz’s testimony that on the night of May 2, 1989, they were ordered by Sgt. Ebron to investigate a stabbing incident at the Paredes Furniture Store.[19] He said that they spotted two persons, who turned out to be accused-appellants Oscar Doro and Ricky Andag; that as they saw blood on the pants of Ricky Andag, they frisked them; that De la Cruz confiscated a fan knife or “balisong” from Ricky Andag and that they therefore arrested the accused-appellants.[20]

Recounting how the report of the incident was relayed to the police, Sgt. Ebron testified that he was on duty on the night of May 2, 1989; that he was informed by the desk officer that there was trouble at Paredes Furniture Store;[21] that he went to the place with Pfc. Patricio Reyes and Pat. Edwin Panaligan; that upon reaching the place, the victim had already been taken to the hospital;[22] that they proceeded to the corner of Mabini and Barlan Streets upon being informed that the assailants had gone to that place;[23] that he later found the body of one of the suspects sprawled on the ground with a gun on his upper left side; that they called Fiscal Medina and a

police photographer so that pictures of the man could be taken;[24] that he gave the pictures to police investigator, Pfc. Venerando Estrella;[25] that he thereafter instructed Pfc. Dones and Pat. de la Cruz to stay behind until they got the other two suspects.

Investigator Pfc. Venerando Estrella, to whom the pictures had been given, testified that he was at the police headquarters when Bgy. Captain Max Reyes arrived to report the incident in question. Their patrol accordingly proceeded to the Paredes Furniture Store but learned that the security guard had been rushed to the hospital; that he joined the mobile patrol to the corner of Mabini and Barlan Streets; that the two policemen who had been there ahead of them had engaged the suspects in a gun battle; that he later called up the Bautista Hospital to inquire about the security guard and was told that the guard had died; that the .38 caliber revolver loaded with 5 live bullets found in a flower pot near the Paredes Furniture Store belonged to Renato Borja.[26] Pfc. Estrella further said that the accused-appellants gave their confessions with the assistance of counsel at the Citizens' Legal Assistance Office.[27]

Public Attorney Elpidia Itoc, who assisted accused-appellants Oscar Doro and Ricky Andag in giving their confessions at the Citizens' Legal Assistance Office, also testified. She told the court that the accused-appellants were apprised of their constitutional rights to remain silent and to have independent counsel of their choice; that she explained to them their rights twice, "when they first arrived in the office and within the hearing of the police officers and secondly, before the actual taking of the confession";[28] that accused-appellants, upon being asked, said that they were willing to give statements because of their involvement in the case and that they did not need counsel;[29] that the confessions were made in the presence of the police investigator[30] and that a policeman typed the extrajudicial confessions[31] and that the persons present when the accused made their confessions were a certain Atty. Orquieza, the latter's secretary Carmen, two (2) other clients,[32] the police investigator,[33] and two other policemen who took down the extrajudicial confessions of accused-appellants.[34]

The last witness for the prosecution was the personnel officer of Sherlock Investigation and Protective Center, Feves Infante. She confirmed that security guard Rex Ramos had been assigned to the Paredes Furniture Store on May 2, 1989; that the security guard was not able to finish his tour of duty that day because he had been killed;[35] that a .38 caliber revolver, licensed in the agency's name, had been issued to Rex Ramos[36] and that the firearm cost P1,500.

The prosecution also presented NBI forensic chemist Edwin Purificando who testified that the fan knife, "maong" pants and white "sando" taken from accused-appellants were all stained with human blood, types B and AB.[37]

On November 19, 1990, after the prosecution had rested its case and before the defense had presented its evidence, Ricky Andag escaped from confinement. Nonetheless, trial proceeded against him and accused-appellant Oscar Doro in accordance with Rule 115, §1(c) of the Rules on Criminal Procedure.

Accused-appellant Oscar Doro testified in his behalf. In addition he presented as witness Dr. Danilo F. Borbon, resident physician of the Dr. Salamanca Memorial Hospital in Cavite City.

Oscar Doro denied involvement in the stabbing of Rex Ramos. He said that he and his accused-appellant Ricky Andag and deceased Renato Borja had a drinking spree at the Plaza Cafe Restaurant at 12:00 midnight;[38] that on their way home he was told to go ahead by his companions (Ricky and Renato) as the two wanted to look for a place where they could piss; that he waited for his companions at the tricycle station at Padre Pio Street; and that as it had taken them time to arrive, he asked them if anything had happened to them. He was told that they had trouble with the security guard at Paredes Furniture Store. Then Renato shouted "pulis" as a tricycle bearing policemen came. They ran towards the direction of Padre Pio Street even as one of the policemen fired warning shots. Doro claimed that after he and Andag had been arrested, they were taken to the Cavite City jail and there

they were beaten up by Pfc. De la Cruz and Pfc. Dones;[39] that they were hit in the body and on the head with the butt of an armalite rifle as they came out of the compound where they had hidden;[40] that they were taken to the office of Atty. Itoc who, seeing the wounds and injuries on their bodies, asked the policemen to take them first to the hospital; that they were taken to Dr. Salamanca Memorial Hospital; that a doctor slapped them while the other one who gave the prescription kicked them;[41] that the doctor only gave them a prescription but did not treat their wounds;[42] that they were thereafter brought back to Atty. Itoc's office; and there were forced to give the extrajudicial statements;[43] that they had been roughed up and slapped.[44] Accused-appellant Doro denied stabbing security guard Rex Ramos.[45] He claimed that although he had told Fiscal Medina, before whom they were taken to swear to the truth of what they had stated, that he had not been coerced to make the confession, the truth was that he had been forced to by the policemen.[46] He also claimed that the knife allegedly taken from him was not actually taken from him but from a trash can[47] and that it belonged to Renato Borja. As for the bloodstains found on his shoes, pants and socks, accused-appellant said he suffered injuries when he climbed a fence topped with broken glasses.[48]

On cross examination, accused-appellant Oscar Doro testified that Renato Borja and Ricky Andag were wounded after they had stabbed the security guard. Renato Borja handed to him the "balisong" and that is why he had it in his possession.[49] He said that the only part of his body that was injured was his thumb;[50] that there were certain matters in his statement which are true because only his answers to questions Nos. 9, 11, 18, 19, 20, 24 and 27 were not voluntarily given;[51] that he told Atty. Itoc that he had been forced to give the statements in question although he did not ask her to file a complaint against the policemen.[52]

The last witness for the defense was Dr. Danilo Borbon who testified that he treated accused-appellant Oscar Doro in the afternoon of May 3, 1989 for an abrasion on the right corner of his eyes and multiple contusions on his legs.[53]

Prosecution witness Pfc. Rodrigo Dones was recalled to the witness stand to refute accused-appellant's testimony. Dones told the court that it was not true that accused-appellant had been manhandled and coerced to give the confession he made.[54]

On October 28, 1991, the trial court rendered a decision, finding the accused-appellants Oscar Doro and Ricky Andag guilty beyond reasonable doubt of Robbery with Homicide and sentencing each of them to suffer the penalty of reclusion perpetua.[55] A notice of appeal was filed on behalf of both although Ricky Andag had escaped during trial. The appeal brief filed in their behalf contains the following assignment of errors:[56]

I. THE LOWER COURT IN ITS JUDGMENT OF CONVICTION ERRED IN GIVING CREDENCE TO CIRCUMSTANTIAL EVIDENCES [sic] WHICH ARE INCONCLUSIVE, IF NOT CAPABLE TO SUSTAIN ADJUDICATION OF CONVICTION OR INNOCENCE OF THE ACCUSED.

II. THE LOWER COURT ERRED IN ADMITTING THE EXTRA-JUDICIAL CONFESSION OF THE ACCUSED AS THE PRIMARY BASIS OF ITS JUDGMENT OF CONVICTION CONSIDERING THE CIRCUMSTANCES OF INVOLUNTARINESS WHICH ATTENDED ITS EXECUTION.

After due consideration of the evidence, the Court finds the appeal in this case to be without merit.

Under the Rules of Court, circumstantial evidence is sufficient for conviction, if the following are shown: (a) there is more than one circumstance; (b) the facts from which the inferences are derived are proven; (c) the combination of all the circumstances is such as to produce a conviction beyond reasonable doubt.[57]

In the case at bar, these elements are present. The following facts are undisputed and, considered together, they produce in an unbiased mind a conviction beyond peradventure of doubt that accused-appellants are guilty:

- 1) Shortly after the crime was committed, accused-appellants were seen in Padre Pio Street in the direction pointed to the police by the victim Rex Ramos;
- 2) Upon seeing the police coming the three ran away and even after the policemen had identified themselves they did not stop;
- 3) When arrested, accused-appellants' pants and shirts were found to be bloodstained and each one was armed with a fan-knife or "balisong," which were likewise bloodstained and;
- 4) Accused-appellants gave separate sworn statements admitting that they had stabbed the security guard Rex Ramos in order to rob him of his .38 caliber revolver. Their main motive was thus robbery.[58]

The combination of these circumstances produces a conviction beyond reasonable doubt that accused-appellants were guilty of Robbery with Homicide as defined and punished in Art. 294 of the Revised Penal Code.

Anent accused-appellants' second assignment of error, a perusal of the records shows how improbable it was for the extrajudicial confessions of accused-appellants to have been obtained through force or intimidation.

During his direct examination, accused-appellant Oscar Doro claimed he was "mauled" by the policemen but just what he meant by that word is not clear. He could not describe what had been allegedly done to him. He had to be helped by his counsel, as the following portion of his testimony shows:

Q: When you said you were mauled by the policemen, do you recall who were these policemen who did that to you?

A: Yes, sir.

Q: Would you name them here?

A: Those two who arrested us were Pfc. De la Cruz and Pfc. Dones.

Q: Specifically, what did those policemen do to you right there in the place where you surrendered?

A: We were mauled when we went out of the compound of the house we went inside.

Q: What do you mean you were mauled? Specifically, what did the policemen do to you?

A: When the gun shots came, we went inside the compound and when we went out of the compound, I told Ricky to surrender and when we went out of the compound, we raised our hands, suddenly, two policemen arrived.

Q: You have not answered the question, Mr. Witness. What specifically did the policemen do to you when you said they mauled you?

A: We were told that we were the ones who killed the security guard.

Q: That is not mauling, Mr. Witness, that is just a question. What did they do to you when you said they mauled you?

A: They called in the police station and we were brought to the police station.[59]

Q: Let us go to this "pasa", Mr. Witness, or "sugat". You said that the persons to whom you surrendered were responsible for this wound and injuries. The question is this, who were these policemen who inflicted wound and injuries on you?

A: I only knew two of them. A certain Dones and De la Cruz, sir.

Q: In what part of your body did you sustain these wounds and injuries?

A: There were many, sir, some in the head, my head was hit with an armalite, some in the body.

Q: What did the policemen do to you when you sustained those wounds?

A: We were mauled when we went outside of the compound of the house where we hid was located.

Q: Did you say they hit you with an armalite?

A: Yes, sir.[60]

Q: When you reached the City Jail of Cavite, what happened, if any?

A: We were also mauled inside the Cavite City Jail, sir.

Q: Who mauled you inside the Cavite City Jail?

A: They were many, sir. I do not remember who they were because there were many people in the area.

Q: You said you sustained injuries. Did not the policeman call on a doctor or a physician to treat you of your wounds?

A: We were first brought to the office of Atty. Itoc, sir.

Q: Then what happened?

A: When Atty. Itoc saw our wounds and injuries, she told the policemen to bring us to the Dra. Salamanca Hospital so that they can give us prescription for the injuries.

Q: Did the policemen follow the request of Atty. Itoc?

A: Yes, sir.

Q: And, you were able to reach Dra. Salamanca Hospital?

A: Yes, sir.

Q: What happened in the hospital?

A: When we were along the door of Dra. Salamanca, we were slapped by the doctor and kicked by the one who gave the prescription.[61]

Q: When you were first brought to the office of Atty. Itoc?

A: When we reached the place of Atty. Itoc, she asked us if we were going to give a statement and we told her that we were not going to give our statement at that time and she requested the policemen to bring us to a hospital to give some prescription for our injuries. When we reach Dra. Salamanca Hospital, we were slapped and kicked by the doctor.

Q Mr. Witness, would you tell us why the policemen got angry the first time you went to the office of Atty. Itoc?

A: Yes, sir.

Q: Why?

A: Because we refused to give statements.

Q: What statement are you referring to?

A: The one that we executed, sir.[62]

Q: On the second time that you were inside the office of Atty. Itoc, what happened?

A: We were forced to give a statement inside the office of Atty. Itoc, sir.

Q: Tell us why were you forced to execute this statement?

A: Because of the policemen, sir.[63]

Although he claimed to have been hit on the head with the butt of an armalite rifle, accused-appellant Doro later said that after all he was only slapped on the face. Thus:

Q: You said they hurt you, in what manner were you hurt and who hurt you?

A: The policemen slapped (sinampal) us.

Q: How many policemen slapped you?

A: They were many, about 5 of them.

Q: You mean to say that these 5 policemen participated in slapping you?

A: Not all of them, but most of them, Sir.

Q: Where were you hit?

A: On the face and I was kicked on my body.[64]

Q: You said you were slapped at your face, who slapped you at your face?

A: Adam and company, Sir.

Q: What else did they do to you, if any, aside from slapping your face?

A: No more, Sir. Pfc. Buna told us to admit the offense so that we will not be maltreated anymore.

Q: How many times were you slapped at your face?

A: Many times, Sir.[65]

On cross-examination, Oscar Doro admitted that the answers given in his extra-judicial statement were after all true. He said:

Q: When you testified before this Honorable Court, you declared that you were threatened, boxed and coerced when you executed this written confession. Is that right?

A: Yes sir.

Q: Are we made to understand that the contents of your statement are not true?

A: No sir.

Q: Are there matters in this statement which are true?

A: There are, sir.[66]

Q: Which portions here were extracted from you because of duress and threats?

A: Here, sir.

(Witness pointing to answer under T-9.)

Q: Is that the only part of this confession which is not true?

A: There are some mo[re], sir.

Q: What?

A: Also here, sir. (Witness pointing to answer under T[-]11.)

Q: Aside from that, all the other portions of your written confession are true and were given by you voluntarily. Is that right?Sc

A: There are still some more, sir.

Q: Please point to that particular portions.

A: Here, sir. (Witness pointing to answers under T-18, T-19, T-20 and T-24, T-27)

Q: Any other portions?

A: No more, sir.

Q: If the only portions of the statement which you said were extracted from you involuntarily were questions Nos. 9, 11, 18, 19, 20, 24, and 27, are we made to understand that all the other portions of your statement were given by you voluntarily?

A: Yes sir.

Q: And all the other answers to the questions propounded to you were given by you voluntarily?

A: Yes sir.[67]

Now the portions of accused-appellant's confession which according to him are true and voluntarily given are the following:[68]

TANONG: Nanunumpa ka ba na magsasabi ng katotohanan at pawang katotohanan lamang sa pasisiyasat na ito?

SAGOT: Opo.

2-T: Ano ang iyong buong pangalan at iba pang katangian sa buhay?

S: Ako po si OSCAR DORO y LAJAO, 22 taong gulang, may asawa, isang kusinero sa restaurant, nakatapos ng elementarya sa pag-aaral, tubong Borongan, Eastern Samar at kasalukuyang naninirahan sa T. Gomez St. (Cuadra) Caridad, Cavite City sakop ng Barangay Blg. 22.

3-T: Alam mo ba kung bakit ka nagbibigay ng iyong kusang loob at malayang salaysay na ito?

S: Dahil sa magtatapat po ako hinggil sa pagkakapatay ko sa security guard ng Paredes Furniture.

4-T: Kilala mo ba naman itong napatay mo na security guard ng Paredes Furniture?

S: Hindi po.

5-T: Kailan at saan ba nagan[a]p ang nabanggit mong pangyayari?

S: Noong ika-2 ng Mayo 1989 humigit kumulang sa alas 12:00 ng hatinggabi ang oras doon sa Paredes Furniture sa may P. Burgos Ave., Caridad, Cavite City.

6-T: Mayroon ka ba namang kasama nang iyong patayin itong security guard ng Paredes Furniture?

S: Mayroon po, siya po, (Itinuturo ang isang lalaki na nagpapakilala sa pangalang RICKY ANDAG y ABOGADO, 18 taong gulang, binata, tubong Samar at kasalukuyang naninirahan sa T. Gomez St. (Cuadra) Caridad, Cavite City.) at isang lalaking naggangalang RENATO BORJA na kararating lamang buhat sa Maynila ngunit taga doon din sa Borongan, Eastern Samar.

7-T: Ano naman ang naging partisipasyon nitong sina RENATO BORJA at RICKY ANDAG sa ginawa mong pagpatay sa security guard ng Paredes Furniture?

S: Kaming tatlo (3) po ang nagtulong sa pagpatay sa security guard.

8-T: Paano ninyo naman pinatay itong security guard ng Paredes Furniture?

S: Pinagsasaksak po namin siya.

10-T: Anong bagay ba ang ipinansaksak ninyo sa security guard?

S: Balisong beinte-nueve po na kung tawagin ay balisong Batangas.

12-T: Ano ba ang dahilan kung bakit ninyo sinaksak itong security guard sa Paredes Furniture?

S: Dahil aagawin po namin ang armas o baril nitong security guard sa Paredes Furniture.

13-T: Ito bang pang-aagaw ninyo sa baril o armas ng security guard sa Paredes Furniture ay inyong pinagbalakan o pinalano?

S: Hindi ko po alam ang bagay na iyon dahil nang ako ay dumating sa bahay na aking tinitirhan galing sa trabaho ay niyakag na ako ni RENATO BORJA kasama si RICKY ANDAG.

14-T: Saan ba kayo tumuloy sa yakag na iyon sa iyo nitong sina RENATO BORJA at RICKY ANDAG?

S: Kami po ay tumuloy sa Plaza Cafe Restaurant sa may P. Burgos Ave., San Roque, Cavite City at kami pong tatlo ay naghihintay sa babaeng nililigawan ni RICKY ANDAG ngunit hindi naman dumaan ang babaeng nabanggit at kami ay lumabas na ng Plaza Cafe Rest.

15-T: Saan naman kayo nagtuloy pagkagaling ninyo sa Plaza Cafe Restaurant?

S: Naglalakad na po kami pauwi sa aming bahay sa Cuadra at nang kami ay mapadaan sa tapat ng Paredes

Furniture ay bigla na lamang tinutukan ng baril ni RENATO BORJA ang security guard ng Paredes Furniture at hinihingi nito ang baril ng security guard.

16-T: Ano naman ang ginawa ng naturang security guard nang siya ay tutukan ng baril ni RENATO BORJA?
S: Lumabas po siya ng guard house at bumubunot siya ng baril at kinalabit ni RENATO BORJA ang baril na itinutok nito sa security guard ngunit hindi ito pumutok kaya bumunot ng balisong si RENATO BORJA at inundayan ng saksak ang security guard.

17-T: Ano naman ang ginawa mo nang makita mo na sinaksak na ni RENATO BORJA itong security guard ng Paredes Furniture?

S: Tumulong na rin po ako at si RICKY ANDAG sa pagsaksak sa security guard.

21-T: Noong kayo nitong si RICKY ANDAG ay tumatakbong palayo, mayroon ka ba namang narinig o nasaksihan na hindi pangkaraniwan?

S: Mayroon po, nakarinig po ako ng putok ng baril na Armalite pero tuloy pa rin ang aming pagtakbo.

22-T: Ilang putok ba ng baril na Armalite ang iyong narinig?

S: Maraming putok po.

23-T: Saan kayo humantong sa pagtakbo ninyong iyon?

S: Doon na po sa papuntang Cuadra at kami po ay nagtago sa bubong ng isang bahay at doon ay nagpalipas muna kami ng ilang oras ngunit nang mamataan ko na marami ng mga pulis na nagsidating at paumaga na noon kaya bumaba na po kami mula sa bubong ng naturang bahay at kami ay lumabas ng gate at sumuko na kami sa mga pulis.

25-T: Pang ilang beses mo na bang ginawa ang ganitong krimen?

S: Ngayon lamang po, noong gabing sinaksak naming tatlo ang security guard ng Paredes Furniture.

26-T: Saan mo naman at paano mo natamo ang iyong mga sugat at pasa sa iyong mukha at katawan?

S: Doon po mismo sa paglabas namin ng gate ng bahay na aming pinagtaguan at ang may kagagawan po nitong aking mga pasa at sugat ay isang unipormadong lalaki na kulay fatigue ng isang military at isang lalaki na naka T-shirt na puti at fatigue na pantalon at isang lalaki na naka short lamang at nakahubad pang itaas na siya ring kumuha ng aking relo at isang lalaking nakasibilyang kasuotan na hindi ko na napagsino.

28-T: May nais ka pa bang sabihin o baguhin sa iyong salaysay na ito?

S: Wala na po.

It thus appears that accused-appellant's claim that he was forced by the police officers to give the extrajudicial statement in question is not true. His own witness, Dr. Danilo Borbon, testified:[69]

Q: What was the nature of the injuries of Oscar Doro when he went to your office for treatment?

A: I found out that abrasion on the right corner of his eyes and multiple contusions on both legs. I really do not know how he cont[r]acted the abrasion and multiple contusions, that is why, I did not place the nature of the injuries.

Q: Of course you asked questions to the patient. Could you recall wha[t] questions were asked of him by you as to why he got those injuries?

A: I could not recall. But what I recall is that I had treated him sir.

Q: In your experience as a physician, could you enlighten us what could be the probable cause of his abrasion on the right eye?

A: You can have abrasion from different manners. If you scrap a part of your body with a certain object, you can get abrasion. If a hard object is used as against a fine tissue, it would not only cause abrasion, but contu[s]ion, hematoma.

It is probable that he sustained the abrasions and contusions when he and his companions were pursued by the police. As accused-appellant admitted:[70]

A: When there were gunshots, we climbed up a fence which had broken glasses on top o[f] it. I sustained that wound because of that broken glasses, sir.

Indeed, it has been held that the sworn statements of accused, as corroborated by the testimonies of the police officers in open court, are worthy of credit under the rule that the testimony of arresting officers, who have no motive or reason to falsely testify in regard to a serious charge against the accused are credible.[71] In the case at bar, the testimonies of the policemen, taken together dovetail in material respects with the evidence presented during the trial and the whole evidence for the prosecution overcomes the presumption of innocence in favor of the accused-appellant. In the case of accused-appellant Ricky Andag his flight from confinement is conformed by his escape. As the dictum which is derived no less from the Proverbs says, the wicked fleeth even when no man pursueth, but the innocent are as bold as a lion. In fact Andag's appeal should not have been allowed at all.[72] WHEREFORE, the decision of the Regional Trial Court is AFFIRMED. SO ORDERED.

Regalado, (Chairman), and Puno, JJ., concur.

[1] TSN, pp. 4-5, Feb. 5, 1990; TSN, pp. 3-4, May 17, 1990.

[2] Id., pp. 5-8; Id., pp. 4-8.

[3] Exh. T.

[4] Testimony of Sgt. Crisanto Ebron, TSN, pp. 15-17, Aug. 15, 1990; Exh. X.

[5] Records, p. 38.

[6] Id., p. 8.

[7] Id., p. 20.

[8] TSN, pp. 3-4, Feb. 5, 1990.

[9] Id., p. 5.

[10] Id., p. 6.

[11] Id., pp. 7-10.

[12] Id., p. 11.

[13] TSN, pp. 3-6, May 17, 1990.

[14] Id., pp. 7-8.

[15] Id., p. 22.

[16] Id., pp. 22-24.

[17] Id., p. 25.

[18] Id., pp. 30-31.

[19] TSN, p. 3, July 16, 1990.

- [20] Id., pp. 4-5.
- [21] TSN, p. 6, Aug. 15, 1990.
- [22] Id., p. 7.
- [23] Id., pp. 8-9.
- [24] Id., p. 12.
- [25] Id., p. 14.
- [26] TSN, pp. 5-8, 20-21, Oct. 10, 1990.
- [27] Id., pp. 10-13.
- [28] TSN, pp. 9-10, Sept. 12, 1990.
- [29] Id., pp. 10-11.
- [30] Id., p. 8.
- [31] Id., p. 15.
- [32] Id., p. 6.
- [33] Id., p. 8.
- [34] Id., p. 12.
- [35] Id., p. 23.
- [36] Id., p. 24.
- [37] TSN, pp. 4-20, Sept. 21, 1989.
- [38] TSN, pp. 3-4, Dec. 18, 1990.
- [39] Id., pp. 9-10.
- [40] Id., p. 13.
- [41] Id., pp. 15-16.
- [42] Id., p. 16.
- [43] Id., pp. 17-18.
- [44] TSN, pp. 5-11, Jan. 23, 1991.
- [45] Id., p. 19.
- [46] TSN, pp. 3-4, Feb. 6, 1991.
- [47] Id., pp. 7-8.
- [48] Id., p. 8.
- [49] TSN, p. 8, March 4, 1991.
- [50] Id., p. 5.

[51] *Id.*, pp. 9-11.

[52] *Id.*, p. 12.

[53] TSN, pp. 1-7, May 22, 1991.

[54] TSN, pp. 3-7, June 26, 1991.

[55] Rollo, p. 40.

[56] Appellants' Brief, p. 17; *Id.*, p. 63.

[57] Revised Rules on Evidence, Rule 133, §4; *People v. Alberca*, 257 SCRA 613 (1996); *People v. Ramos*, 240 SCRA 191 (1995), citing *People v. Ilaoa*, 233 SCRA 231 (1994); *People v. Pajarit*, 214 SCRA 678, 682 (1992); *People v. Iran*, 216 SCRA 575, 580 (1992).

[58] *People v. Alberca*, 257 SCRA 613 (1996); cf. *People v. Lamsing*, 248 SCRA 471 (1995).

[59] TSN, pp. 10-11, Dec. 18, 1990. (Emphasis added)

[60] *Id.*, pp. 13-14. (Emphasis added)

[61] *Id.*, pp. 14-16. (Emphasis added)

[62] *Id.*, pp. 16-17. (Emphasis added)

[63] *Id.*, p. 18.

[64] TSN, pp. 5-6, Jan. 23, 1991.

[65] *Id.*, pp. 9-10. (Emphasis added)

[66] TSN, p. 9, March 4, 1991. (Emphasis added).

[67] *Id.*, pp. 10-11.

[68] See Exh. D. (Emphasis added)

[69] TSN, pp. 4-5, May 22, 1991. (Emphasis added)

[70] TSN, p. 8, Feb. 6, 1991.

[71] *People v. Ramos*, 240 SCRA 191 (1995).

[72] Compare Rule 124, §8.

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