

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RENATO MONTIERO Y RAMIREZ, ACCUSED-APPELLANT

G.R. No. 110106. July 31, 1995

Ponente: PUNO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-110106/>

PUNO, J.:

Appellant RENATO MONTIERO Y RAMIREZ was charged with Robbery with Homicide before the Regional Trial Court of Lucena City, Fourth Judicial Region. The Information against him reads:

"That on or about the 3rd day of January 1991, at Barangay, Poblacion 2, Municipality of Agdangan, Province of Quezon,

Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with a piece of wood, with intent to gain, by means of force, intimidation and physical violence, did then and there willfully, unlawfully and feloniously take from one Imelda Umali two (2) pairs of gold earrings, one (1) gold ring, one (1) gold bracelet, and One Thousand Seven Hundred (P1,700.00) Pesos cash money, to her damage and prejudice; that on the occasion of the said robbery and by reason thereof, as a necessary means for committing said robbery, the said accused, with intent to kill, did then and there willfully, unlawfully and feloniously attack, assault and hit with a piece of wood said Imelda Umali, inflicting upon her fatal wounds on vital parts of her body, which directly caused her death.

"That after hitting the said Imelda Umali with a piece of wood and while the latter was unconscious, the said accused with lewd design, had sexual intercourse with said Imelda Umali against her will.

"Contrary to law."[1]

Upon arraignment on August 1, 1991, appellant, assisted by his counsel de officio, Atty. Clemente Alcala, pleaded not guilty.

Appellant, however, vacillated. On January 23, 1992, through his new counsel de officio, Atty. Godofredo Ayuma of the Public Attorney's Office, he substituted his previous plea with a plea of guilty. Seven (7) days later or on January 30, 1992, he changed again his prior plea of guilty.[2] He then underwent trial.

The evidence shows that at past six o'clock in the morning of January 4, 1991, Mercy Cay, a neighbor, discovered the lifeless body of Imelda Umali at her residence in Poblacion, Barangay 2, Agdangan, Quezon, and reported the incident to the police authorities.[3]

Acting on the report, SPO Armando Habito, uncle of the victim, and a member of the Philippine National Police of Agdangan, Quezon, and Patrolman Edwin Casao, rushed to the crime scene. Upon their arrival at the house of the victim, they noticed that the door stood ajar. They also saw the deceased lying on her head turned to the left.[4] The deceased's gold earrings, gold bracelet, gold ring, and cash money of one thousand seven hundred pesos (P1,700.00) were missing.[5]

An hour later, Dr. Felixberto Ilagan, a Rural Health Officer of Agdangan, Quezon, was summoned to examine the

mortal remains of the victim.[6] His findings revealed that the victim suffered two (2) wounds located at the frontal and parietal area of her head, her private part had moderate amount of semen, and she died from profuse hemorrhage.[7]

In the course of the investigation, the pending robbery case of appellant crossed the mind of SPO Habito. SPO Habito and Pat. Casao then invited appellant and his half-brother, Cesar Gonzales, who were doing carpentry work at the Agdangan Elementary School, to the police station to shed light on the incident. Appellant and Gonzales denied knowledge of the incident and were allowed to go home. In the afternoon, SPO Habito invited again appellant to the police station for another questioning. This time appellant refused.

SPO Habito attended the wake of the victim at seven o'clock in the evening. He noticed that appellant, a neighbor whose house is just two (2) meters away from the victim's residence, was not around in the wake.[8] He went to appellant's house and requested him to pay his last homage to the victim. Appellant obliged and at the sight of the deceased, he turned ashen, shuddered with fright, and his hands became cold.[9]

The following morning, appellant verbally confided to Chief of Police Sgt. Galleon that he was the perpetrator of the crime. He pointed to a one and one-half feet-long and two-inch thick piece of wood[10] he used in hitting the head of the deceased. He also indicated the post in his kitchen house where he hid the jewelries and money taken from the victim.[11] The 2" x 8" piece of wood, one (1) ring, two (2) pairs of earring, one (1) bracelet, and cash money were recovered by the police.

Two (2) days thereafter or on January 7, 1991, appellant informed SPO Habito that he was willing to execute an affidavit of confession. SPO Habito asked him if he wanted the assistance of counsel. Appellant requested that Atty. Adolfo Ilagan, Election Registrar of Agdangan, Quezon, assist him.

Atty. Ilagan was then fetched by SPO Habito. At the police station, the cigarette pack containing the stolen jewelries was shown to Atty. Ilagan. He then conferred with appellant for half an hour and apprised him of his constitutional rights and the legal consequences of his confession.[12] He also asked appellant whether he was intimidated by the police authorities and the latter gave a negative response.[13]

The appellant then executed his extrajudicial confession, dated January 7, 1991, embodied in a Sinumpaang Salaysay.[14] He signed it in the presence of Atty. Ilagan. It was duly acknowledged by Judge Benedicto Mortor of the Municipal Trial Court of Agdangan, Quezon on January 8, 1991.[15]

During the trial, appellant repudiated his extrajudicial confession, and interposed the defense of alibi.

Appellant alleged that he signed his confession because he was threatened with death by SPO Habito. He also claimed that in the afternoon of January 3, 1991, he was in a drinking session in a house three houses away from his house at Agdangan. They imbibed liquor from five o'clock in the afternoon until eight o'clock in the evening.[16] Thereafter, he fetched his children from the house of his parents-in-law and proceeded home.

Appellant likewise alleged that it is his half-brother, Cesar Gonzales, who killed the victim. He said Gonzales confessed to him his authorship of the crime on January 5, 1991.

After trial, the court a quo found appellant guilty beyond reasonable doubt of Robbery with Homicide. It sentenced him to suffer the penalty of reclusion perpetua and ordered him to pay the heirs of Imelda Umali P8,000.00 as actual damages, P50,000.00 as moral and exemplary damages, and P50,000.00 as indemnity, plus the costs of the suit. Appellant's conviction was based mainly on his extrajudicial confession. Thus, it was held:

x x x x x x x x

"[T]his Court finds no plausible reason to disagree with the People's thesis herein that the accused should be

held responsible for the robbery and death of Imelda Umali. A careful review of the records shows that Exhibit "H" namely: the extrajudicial confession of the accused was made and executed by him strictly in full accord with the legal formalities of the fundamental law of the land. There is ample proof that before the accused executed his confession to the police authorities, he was fully apprised of his constitutional rights and was duly assisted, if not fully protected by a counsel of his own choice in the person of Atty. Adolfo Ilagan."[17]

Appellant appeals to us his conviction and makes the following assignment of errors:

FIRST ASSIGNMENT OF ERROR

THE TRIAL COURT ERRED IN NOT GIVING DUE WEIGHT AND CREDENCE TO THE TESTIMONY OF THE ACCUSED-APPELLANT.

SECOND ASSIGNMENT OF ERROR

THE TRIAL COURT ERRED IN NOT HOLDING THAT THE ALLEGED EXTRAJUDICIAL CONFESSION OF THE ACCUSED-APPELLANT WAS SECURED UNDER DURESS.

THIRD ASSIGNMENT OF ERROR

THE TRIAL COURT ERRED IN CONVICTING THE ACCUSED-APPELLANT.

We affirm appellant's conviction.

The key issue is whether the extrajudicial confession of appellant was voluntarily given and with the proper assistance of counsel.

We find that the extrajudicial confession of appellant did not violate section 12(1), Article III of the Constitution which provides:

"Any person under investigation for the commission of an offense shall have the right to be informed of his right to remain silent and to have competent and independent counsel preferably of his own choice. These rights cannot be waived except in writing and in the presence of counsel."

The objective of this provision is to prevent the use of coercion in extracting a confession from a suspect. Any form of coercion, whether physical, mental, or emotional, in extracting confessions, stamps the confession with the taint of inadmissibility.[18] Appellant's extrajudicial confession is free from any duress.

First. The records show that when appellant sought to execute an affidavit of confession, SPO Habito informed him of his right to counsel and he was asked if he wanted the assistance of counsel. He chose to be assisted by Atty. Ilagan. His counsel of choice, Atty. Ilagan, came and saw to it that he was not under the influence of any intimidation. Atty. Ilagan explained to appellant that he has the right to remain silent, that everything he would say could be used against him, and that even if he has already given a statement, he may refuse to sign it. Despite this guidance, appellant opted to make a written confession.

Second. The interrogation of appellant was personally witnessed by Atty. Ilagan who stayed at the police station the whole afternoon and left only after the completion of said confession. The confession came in a question and answer form. We note that Atty. Ilagan often asked the appellant if he understood the import of the questions propounded to him. Some of the questions had to be repeated to assure that appellant comprehended their significance before he answered.

Third. After the interrogation, Atty. Ilagan explained anew to appellant the content of the Sinumpaang Salaysay

embodying his written extrajudicial confession and its consequences to his liberty.[19] Despite the warning, appellant proceeded to sign the said Salaysay in his counsel's presence and in the presence of other persons.

We sustain the finding of the trial court that the evidence failed to show that SPO Habito coerced appellant to confess. Appellant himself admitted that before the incident, he enjoyed good relationship with SPO Habito. He also admitted he is the godchild of SPO Habito's parents in marriage. SPO Habito had absolutely no motive to implicate him. Appellant was assisted by a vigilant counsel of choice during his interrogation. In addition, his wife and half-brother were at the police headquarters when he confessed.

We reiterate the rule that a confession constitutes evidence of high order since it is supported by the strong presumption that no person of normal mind would deliberately and knowingly confess to a crime unless prompted by truth and his conscience.[20] It is admissible until the accused successfully proves that it was given as a result of violence, intimidation, threat, or promise of reward or leniency.[21]

Finally, appellant's defense of alibi cannot negate his culpability. If appellant's alibi is to be given credence, it is not enough to prove that he was not at the scene of the crime when it happened, but that it was impossible for him to be there at the time of the commission of the offense. By appellant's own admission, he was fourteen (14) meters away from the locus criminis. It was, thus, not impossible for appellant to slip to the house of Umali and commit the crime without rousing suspicion from his companions. Worthy to stress, his defense of alibi is not supported by any evidence other than his bare assertion. He offered no corroboration of his own statements. In his testimony, he mentioned his wife, half-brother, parents-in-law, Canoy, and drinking companions who could have corroborated his testimony. He did not present them. His testimony was properly rejected by the trial court for its negligible probative value.

IN VIEW WHEREOF, the appealed Decision is AFFIRMED in toto. No costs.

SO ORDERED.

Narvasa, C.J., (Chairman), Regalado, Mendoza, and Francisco, JJ., concur.

[1] Rollo, pp. 5-6.

[2] TSN of January 30, 1992, pp. 2-3.

[3] TSN of February 11, 1992, p. 8.

[4] Id., pp. 22-33.

[5] TSN of January 30, 1992, pp. 16-19.

[6] TSN of November 12, 1991, p. 3.

[7] Exhibit "A."

[8] TSN of February 12, 1992, p. 18.

[9] TSN of February 11, 1992, p. 27.

[10] Id., p. 17.

[11] TSN of February 12, 1992, p. 44.

[12] Id., pp. 9, 3.

[13] Id., pp. 8, 18.

[14] Exhibit "E."

[15] Exhibit "E-3."

[16] Id., pp. 23-24.

[17] Honorable Eleuterio F. Guerrero, Presiding Judge.

[18] People v. Rous, G.R. Nos. 103803-04, March 27, 1995.

[19] TSN of February 12, 1992, pp. 3, 14, 16.

[20] People v. Pamon, G.R. No. 102005, January 25, 1993, 217 SCRA 501.

[21] People v. Dasig, G.R. No. 100231, April 28, 1993, 221 SCRA 549.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.