

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ARMANDO BINAMIRA Y ALAYON, ACCUSED-APPELLANT.

G.R. No. 110397. August 14, 1997

Ponente: PANGANIBAN, J.

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PANGANIBAN, J.:

In acquitting the accused, this Court stresses two doctrines: (1) a violation of the accused's right to retain a counsel of his own choice during custodial investigation renders his extrajudicial confession inadmissible even where such confession was extracted on October 3, 1985, i.e., before the effectivity of the 1987 Constitution, and (2) to sustain a conviction anchored on circumstantial evidence, the prosecution must convincingly prove an unbroken chain of events from which only one fair and reasonable conclusion can be inferred -- that of the guilt of the accused beyond reasonable doubt. Where such circumstances can be the subject of two possibilities, one of which is consistent with innocence and the other with guilt, then such evidence has not fulfilled the test of moral certainty and the constitutional presumption of innocence must thus be upheld.

Statement of the Case

Appellant Armando Binamira y Alayon[1] appeals the May 5, 1989 Decision[2] of the Regional Trial Court of Makati, Metro Manila, Branch 164,[3] in Criminal Case No. 19504 convicting him of the crime of robbery with homicide, sentencing him to reclusion perpetua and ordering him to pay the heirs of the victim, Jessie Flores y Cledear,[4] P30,000.00 as indemnity and P25,000.00 as actual or compensatory damages.

On October 7, 1985, an Information,[5] dated October 4, 1985, was filed by Second Assistant Fiscal Dennis M. Villa Ignacio accusing appellant of robbery with homicide allegedly committed as follows:

That on or about the 2nd day of October, 1985, in the Municipality of Makati, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, while armed with a fan knife, with intent to gain and by means of force, violence and intimidation, did then and there willfully, unlawfully and feloniously take and divest from one Jessie Flores y Cledera her 14K Gold Necklace worth P1,000.00 and One (1) Lady's Citizen wrist watch worth P1,000.00 all belonging to Jessie Flores y Cledera in the total amount of P2,000.00 to the damage and prejudice of the latter in the aforementioned amount of P2,000.00; that on the occasion of said robbery, the accused stabbed the said Jessie Flores y Cledera on her neck, as a result thereof, the said victim suffered mortal wound which directly caused her death.

Contrary to law."

Arraigned on October 25, 1985, the accused, assisted by Counsel de Oficio Elpidio R. Calis, pleaded not guilty to the charge.[6] Trial ensued in due course.

Based on circumstantial evidence and on Appellant Binamira's extrajudicial confession, the court a quo rendered the assailed Decision, the decretal portion of which reads:

WHEREFORE, premises considered, the court finds the accused guilty beyond reasonable doubt of the crime

of robbery with homicide and hereby sentences him to the penalty of reclusion perpetua; to indemnify the heirs of the victim the amount of P30,000.00 for the death of Jessie Flores and P25,000.00 as actual or compensatory without subsidiary imprisonment, in case of insolvency.

SO ORDERED.”[7]

Aggrieved, appellant interposed this appeal.

The Facts According to the Prosecution

The prosecution presented four witnesses; namely, NBI Medico-Legal Officer Nieto Salvador, who testified on the autopsy results; Nicasio Rosales, a security guard who testified on the arrest and turnover to the police authorities of Appellant Binamira; Makati Police Officer Wilfredo Cruz, who testified on the custodial investigation and extrajudicial confession of appellant; and Narciso Flores, the husband of the deceased, Jessie Flores y Cledera. In the appellee’s brief, the Solicitor General summarized the facts as presented by the prosecution, thus:

On 02 October 1985, at about 6:50 P.M., in Magallanes Village, Makati, Metro Manila, Security Guard Nicasio Rosales of the RAPSA Security Agency assigned thereat together with his co-guards were alerted by a report regarding the death of a woman by the name of Jessie Flores y Cledera at No. 68 Margarita St., Magallanes Village, Makati. They hurried to the scene of the crime where they saw the lifeless body of a woman lying on the ground (pp. 4-6, tsn, February 14, 1986).

They immediately conducted a search of the immediate surroundings hoping to find the person responsible for the killing and they saw a man wearing short pants, walking very fast. When the guards approached him, the man who turned out to be herein appellant, casually pretended to be urinating. Suspicious, they searched him and found a pair of pants and undershirt inside his bag soaked with blood (pp. 6-7, id).

Thereupon, the guard brought appellant to the Galleria de Magallanes Hall where he, as well as the bloodied clothings, were turned over to Police Investigator Wilfredo Cruz whom they had called to respond to said incident. On the same day, appellant was brought to the Criminal Investigation Division (CID) of the Makati Police Station for further investigation (pp. 7-8. id).

On the following day, 03 October 1985, Cruz conducted an investigation of appellant’s complicity in the Magallanes robbery-killing incident. Before the investigation proceeded, Pfc. Cruz first apprised appellant of his constitutional rights while under custodial investigation by explaining to him his right to counsel, his right to remain silent and, that any statement that he would give during the investigation may be used for or against him in any court of law, and that in case he did not have a lawyer, the State would provide him with one who will assist him in the investigation. At this juncture, the services of Atty. Romeo P. Parcon of the Citizen’s Legal Assistance Office (CLAO) of Makati was offered to which appellant agreed (pp.5-7, tsn, 1986; pp.4-6, tsn, May 14, 1986; pp.84, Record).

While being investigated with the assistance and presence of Atty. Parcon, appellant readily cooperated to give his statements. He admitted that he stabbed the victim in the neck with a fan knife after divesting her of one (1) wristwatch and a gold necklace. Appellant revealed that he killed the victim when she began screaming for help despite his instructions to keep silent. Midway during the investigation, Pfc. Cruz showed to appellant a gold necklace and asked him the connection thereof to the investigation to which appellant, despite being told that he was at liberty not to proceed with the investigation, admitted that the necklace was the same one he took from the victim. After the investigation, the extrajudicial confession was subscribed and sworn to by appellant (Exh. ‘C’ to ‘C-2’) before the office of the then Fiscal of Makati (pp.84-84, Records; p.10, tsn, March 21, 1986; p.7, tsn, May 14, 1986).

Dr. Nieto Salvador, the NBI Medico-legal Officer, who conducted an autopsy examination on the body of the

victim on October 3, 1985, found as per autopsy report no. N-85-2078 (Exh. 'F' to 'F-3') dated December 2, 1985, the following:

'Lips and nailbeds, pale. Abrasions, reddish brown, 1.5 x 0.5. cm. right infraclavicular region.

'Wound stab, 2.0 cm. in size, lower extremity rounded, running downward and medially, edges clean cut; located at the left side of the suprasternal, 1.0 cm. to the left anterior median line directed backward, downward and laterally, involving skin, underlying soft tissues, cutting carotid artery and vein, approximate depth artery and vein, approximate depth, 7.0 cm.

'Other visceral organs pale.

'Stomach is filled up to 2/3 with partially digested food particles.'

Dr. Salvador testified that the victim's cause of death was due to acute hemorrhage on account of a frontal stab wound she sustained at the base of her neck just above the subtraclavicular notch. He further opines that the instrument used in the stabbing is a sharp pointed object. Appellant's clothings soaked with the victim's blood were also submitted to Dr. Salvador for examination (pp. 6-9, tsn, April 25, 1986)."[8]

According to the Defense

Appellant, as lone defense witness, admitted his presence at Magallanes Village that fateful night but unequivocally denied participation in the crime. The following counter-statement of facts is narrated in Appellant's Brief:

The evidence for the defense eloquently shows that accused-appellant was formerly connected with the National Food Authority (NFA) as messenger from 1983 to 1985. On October 2, 1985, coming from his work at Baclaran, Paranaque, Metro Manila, at around 7:00 o'clock in the evening, more or less, he went to Magallanes Village at the back of Bulwagang Pilipino for the purpose of taking a merienda which he usually did after office hours. While walking all alone at the vicinity of Magallanes Village, accused-appellant did not notice any unusual incident nor seen (sic) anybody until the security guards who, without legal and justifiable grounds searched and apprehended him. Accused-appellant was brought by the security guards at their headquarters where they beat, mauled, maltreated and tied him to the post. They forced him to admit that he was the one who killed the woman whose body was lying at their guardhouse. But the accused-appellant maintained his innocence. After the lapse of several minutes, the security guards untied the accused-appellant from the post and they brought them back to their headquarters. The security guards then pointed to accused-appellant a person lying at their guardhouse. They forced accused-appellant to carry the dead body to be placed inside the funeral car. Helpless, accused-appellant followed their order. After he has placed the body at the funeral car, the security guards ordered him to take off the clothes he was wearing. Accused-appellant consented. Afterwards, the security guards brought him once more to their headquarters where accused-appellant saw Pfc. Willy Cruz. From their headquarters, they brought him to the Criminal Investigation Division (CID), Makati Police Station for interrogation.

At the Makati Police Station, the police investigators assigned that time investigated the accused-appellant relative to the death of a woman at the Magallanes Village, Makati, Metro-Manila. When the investigation was being conducted by the police investigator, accused-appellant did not see one of his relatives at the police station nor was he provided a lawyer of his choice. Subsequently, the police investigators blindfolded him. He was thereafter mauled by the police investigators, forcing him to admit the commission of the crime which happened in Magallanes Village. After maltreating the accused-appellant, they detained him and was made to sign a statement the following day.

When his wife visited him at the detention cell, accused-appellant told her what the security guards and police officers did to him during the apprehension and investigation. The wife, due to fear, did not report the

maltreatment committed on the accused-appellant to the higher authorities.

Accused-appellant denied having divested Jessie Flores of one gold necklace worth P1,000.00 and Ladys's (sic) Citizen wrist watch also worth P1,000.00 or a total of P2,000.00 and having stabbed Jessie Flores on her neck which resulted to her untimely death. On August 2, 1986, accused-appellant wrote his lawyer on record reiterating thereto the mishandling committed by the security guards and police investigator when he denied the killing of a woman whose body was found in Magallanes Village, Metro-Manila. (Exh. '1'). (TSN, September 11, 1987, pp. 3-11)"[9]

The Issues

In his brief, appellant assigns the following errors allegedly committed by the trial court:

"I

The trial court gravely erred in giving full credence to thhe [sic] testimonies of the prosecution witnesses despite of [sic] its improbabilities.

II

The trial court gravely erred in holding that the extrajudicial confession of accused-appellant Armando Binamira is admissible in evidence.

(III)

The trial court gravely erred in totally disregarding the defense interposed by the accused-appellant.

IV

The trial court gravely erred in convicting the accused-appellant despite failure of the prosecution to prove his guilt beyond reasonable doubt."[10]

In the ultimate, the foregoing boil down to whether the evidence on record establishes beyond reasonable doubt the guilt of Appellant Binamira. Two points will be addressed: first, the admissibility of appellant's extrajudicial confession; and second, the sufficiency of the circumstantial evidence to sustain appellant's guilt.

The Court's Ruling

The appeal is meritorious.

Extrajudicial Confession Inadmissible

Appellant Armando Binamira contends that his extrajudicial confession marked as Exhibit "C" is inadmissible in evidence because it was improperly taken during the custodial investigation.[11] He contends that he "was not informed of his right to counsel of his own choice nor assisted by counsel of his own choice"[12] and that this was evident from the Pahiwatig of his extrajudicial confession, which reads:[13]

PAHIWATIG: Ikaw ARMANDO BINAMIRA ay nahaharap sa isang pagsisiyasat tungkol sa isang pangyayari na kung saan ang isang babaing biktima ay namatay dahil sa isang saksak sa kanyang leeg.

Bilang isang malayang mamamayan ng ating bansa, ikaw ay may ilang mga karapatan sa ilalim ng ating bagong umiiral na Saligang Batas gaya ng mga sumusunod;

Na, karapatan mo ang manahimik o ang hindi pagbibigay ng pahayag tungkol sa pagsisiyasat na ito.

Na, karapatan mo ang kumuha ng isang abogado o manananggol na siyang mamamatnubay sa iyo sa pagsisiyasat na ito at kung ikaw ay walang abogado ay bibigyan ka namin ng isang manananggol o abogado.

Na, karapatan mo rin ang hindi pagsagot sa mga ipagtatanong ko sa iyo na inaakala mo na makasama sa iyo.

Nais ko rin ipaalam sa iyo na ano mang sasabihin mo sa pagsisiyasat na ito ay maari ring naming gamitin laban sa iyo sa alin mang hukuman dito sa ating bansa.

TANONG: Matapos kong maipaliwanag sa iyo ang ilan sa iyong mga karapatan, ikaw ba ay magbibigay ng isang malayang salaysay sa pagsisiyasat na ito?

SAGOT: Opo. A.B.[14]

T. Dahilan sa ikaw ay walang manananggol o abogado sa pagsisiyasat na ito, ikaw ay bibigyan namin ng isang abogado sa katauhan ni Atty. ROMEO P. PARCON ng Makati CLAO office na siyang mamamatnubay sa iyo ngayon. Pumapayag ka ba na itong si ATTY. ROMEO P. PARCON ang siyang mamamatnubay sa iyo sa pagsisiyasat na ito?

S. Opo. A.B. [handwritten]

T. Ikaw ba ay magbibigay ng isang malayang salaysay sa harap ni Atty. Romeo P. Parcon?" (Underscoring supplied.)

Significant in assessing this contention of the appellant is the Solicitor General's candid admission that "Exhibit 'C' (the extrajudicial confession) does not show that appellant was informed of his right to have a counsel preferably of his own choice as required under the present Constitution." [15]

The prosecution however justified such failure to inform appellant of his right to counsel of choice and to give him the opportunity to retain one by arguing that the questioned extrajudicial confession was obtained on October 3, 1985, whereas the 1987 Constitution, which expressly provided for such rights, [16] took effect only on February 2, 1987 [17] and could not be given retroactive effect pursuant to *Magtoto vs. Manguera*. [18] Thus, the Solicitor General postulates, "(a)t the time said confession was made, appellant was not yet entitled to be informed of the right he is now invoking simply because there was none at the time. The right to counsel preferably of one's own choice during investigation for the commission of an offense is a new provision." [19]

We do not agree. Article IV, Section 20 of the 1973 Constitution mandated that "x x x (a)ny person under investigation for the commission of an offense shall have the right to remain silent and to counsel, and to be informed of such right. x x x Any confession obtained in violation of this section shall be inadmissible in evidence." Parenthetically, this constitutional provision was an "acceptance of the landmark doctrine laid down by the United States Supreme Court in *Miranda vs. Arizona*." [20]

Significantly, in *Morales, Jr. vs. Enrile* [21] promulgated on April 26, 1983, the Philippine Supreme Court, applying said provision of the 1973 Constitution, laid down for the first time the guidelines to be observed strictly by law enforcers during custodial investigation, [22] and there had occasion to state that "x x x No custodial investigation shall be conducted unless it be in the presence of counsel engaged by the person arrested, by any person on his behalf, or appointed by the court upon petition either of the detainee himself or anyone on his behalf. x x x" [23] (Italics supplied.) This doctrinal pronouncement was reiterated in *People vs. Galit*, [24] promulgated on March 20, 1985, and other cases. In *People vs. Jimenez* [25] promulgated on December 10, 1991 and which dealt with an extrajudicial confession given during a custodial investigation on September 16, 1985, this Court through then Associate Justice, now Chief Justice, Andres R. Narvasa held that "a person being investigated by the police as a suspect in an offense has the right, among others, 'to have competent and independent counsel preferably of his own choice' and if he 'cannot afford the services of counsel, he must be

provided with one;' and that said right 'cannot be waived except in writing and in the presence of counsel.' x x x In one case, the confession of an accused was rejected there being no showing that the lawyer of the Citizen's Legal Assistance Office (CLAO) called by the National Bureau of Investigation to assist the accused was his counsel of choice." [26]

In its evolution, the right to engage a counsel of choice and its companion rights had been initially a "judge-made" [27] law, the definitive ruling having been first laid down by this Court in *Morales*, reiterated in *Galit* and subsequent cases and eventually incorporated in the 1987 Constitution. Ineludibly, these rights may not be given retroactive effect pursuant to Article 4 in relation to Article 8 of the Civil Code and, by parity of reasoning, *Magtoto*. Consequently, they do not cover extrajudicial confessions made prior to April 26, 1983, the promulgation date of *Morales*. [28] Since Appellant Binamira executed his extrajudicial confession on October 3, 1985, or after April 26, 1983, he was correct in invoking the right to be informed of his right to engage a counsel of his own choice and to be afforded the reasonable opportunity to retain one. On this basis, the prosecution's argument, pointing to our ruling in *Magtoto*, is flawed. For, clearly, the facts obtaining in the present case do not justify the application of the doctrine on non-retroactivity or prospectivity of laws, including this Court's interpretation of the same as enunciated in *Magtoto*.

In addition, the factual antecedents of *Magtoto* are not on all fours with that of the present case. The former case contemplated a right previously absent under the 1935 Constitution and which was granted for the first time only by the 1973 Constitution. The instant case involved a right which, although not then expressly worded in the 1973 Constitution, already existed as a "judge-made" law when the incident happened and its application was claimed by the appellant.

Father Joaquin Bernas, a member of the 1986 Constitutional Commission, writes that "the brief sentence in the 1973 version was expanded (in the 1987 Constitution) in order to clarify the scope of the right." [29] Indeed, the present Constitution did not create a new right; it merely affirmed its scope as already explained in existing jurisprudence. The deliberations of the 1986 Constitutional Commission support this conclusion. Felicitas S. Aquino, another member of the Constitutional Commission, proclaimed that "[l]ikewise, the amendment of incorporating 'PREFERABLY OF HIS OWN CHOICE' reasserts that the freedom to choose and the freedom to refuse belong first to the detainee." [30] This Court had occasion to explain the rationale of this right as follows:

It is noteworthy that the modifiers competent and independent were terms absent in all organic laws previous to the 1987 Constitution. Their addition in the fundamental law of 1987 was meant to stress the primacy accorded to the voluntariness of the choice, under the uniquely stressful conditions of a custodial investigation, by according the accused, deprived of normal conditions guaranteeing individual autonomy, an informed judgment based on the choices given to him by a competent and independent lawyer.

Thus, the lawyer called to be present during such investigation should be as far as reasonably possible, the choice of the individual undergoing questioning. If the lawyer were one furnished in the accused's behalf, it is important that he should be competent and independent, i.e., that he is willing to fully safeguard the constitutional rights of the accused, as distinguished from one who would merely be giving a routine, peremptory and meaningless recital of the individual's constitutional rights. In *People v. Basay*, this Court stressed that an accused's right to be informed of the right to remain silent and to counsel contemplates the transmission of meaningful information rather than just the ceremonial and perfunctory recitation of an abstract constitutional principle.'

Ideally, therefore, a lawyer engaged for an individual facing custodial investigation (if the latter could not afford one) 'should be engaged by the accused (himself), or by the latter's relative or person authorized by him to engage an attorney or by the court, upon proper petition of the accused or person authorized by the accused to file such petition. Lawyers engaged by the police, whatever testimonials are given as proof of their probity

and supposed independence, are generally suspect; as in many areas, the relationship between lawyers and law enforcement authorities can be symbiotic.”[31]

Clearly, the right to counsel preferably of one’s own choice and the right to be informed thereof were extant when Appellant Binamira was investigated by the Makati Police on October 3, 1985, or more than two years after the promulgation of the “judge-made law” in Morales.

In the present case, Appellant Binamira was not adequately informed of his constitutional right to engage a counsel of his own choice, much less afforded an opportunity to exercise such right. This much, we repeat, is admitted by the Solicitor General.

Moreover, the extrajudicial confession itself shows that, in the course of the custodial investigation, Appellant Binamira was not fully apprised of his constitutional rights. While he was perfunctorily informed of his right to be represented by counsel, it was not explained to him that he may choose that counsel. More important, he was not given the chance to actually retain such counsel of his choice. Furthermore, he was supposedly “informed” of these rights through two kilometric sentences punctuated by similarly two terse answers of “Opo” initialed by him.[32] It was not demonstrated that appellant understood his constitutional rights; and the Pahiwigatig itself, which is obviously of martial law vintage, shows that the investigating officers did not exert sufficient effort to explain such rights. Verily, the right of a person under custodial investigation to be informed of his rights contemplates “an effective communication that results in an understanding of what is conveyed. Short of this, there is a denial of the right, as it cannot truly be said that the accused has been ‘informed’ of his right.”[33]

Finally, the CLAO lawyer appointed by the police to assist appellant did not provide effective or adequate legal assistance to the latter. He did not display any measure of zeal commensurate to the magnitude of his responsibility. Said counsel even failed to object to the apparent illegal arrest and unlawful search on appellant who was simply walking when “arrested” by Nicasio Rosales, a security guard, on the sole ground that he looked “suspicious.” Unquestionably, Rosales did not witness the robbery or the killing and did not see appellant commit, or about to commit, the crime charged.[34]

The evidence shows that said counsel was present only during the signing of the extrajudicial confession. The record is bereft of any indication that said counsel explained anything to or advised the appellant of the consequences of his confession. Although it is clear that appellant had been “investigated” by the police as early as October 2, 1985, the counsel’s presence was established by the prosecution only during the actual signing on October 3, and not during the investigation itself. Prosecution Witness Rosales testified that the Magallanes Village security guards turned over the appellant -- as a suspect in and not as a witness to the killing -- to the Makati Police on the night of October 2. Pfc.[35] Wilfredo Cruz also testified that he investigated appellant on October 2. Appellant himself confirmed that the “investigation” started as soon as he arrived at the police station. The extrajudicial confession, however, was signed only on the following day. In spite of appellant’s allegations of irregularities committed in the course of the investigation, i.e., before and during the actual signing of the confession, the prosecution miserably failed to present rebuttal evidence. To clarify all these, Atty. Romeo P. Parcon should have been presented on the stand. Such failure or lapse denigrates the prosecution’s cause.

As this Court held in *People vs. Deniega*, “[I]f the lawyer’s role is reduced to being that of a mere witness to the signing of a pre-prepared document albeit indicating therein compliance with the accused’s constitutional rights, the constitutional standard x x x is not met.”[36] Under the circumstances of this case, appellant’s extrajudicial confession does not merit our imprimatur.

The prosecution also hammers on the fact that neither Appellant Binamira nor his wife or other relatives ever reported to the authorities the physical abuse appellant suffered in the hands of the security guards and the police

investigating him. However, such failure does not prove the voluntariness of Binamira's confession. It is not very difficult to understand the apprehension, even the refusal, of appellant and his wife -- poor folks not highly educated, if at all -- to report these violations of appellant's rights, for Binamira suffered these wrongs from the very same persons who were supposed to protect him. The fact that he was able to divulge these abuses only to his wife and Atty. Calis cannot by itself destroy the credibility of his claim. Indeed, the Constitution also proscribes the admissibility of any confession or admission from a person under investigation for the commission of an offense if such admission was obtained through torture, force, violence, threat, intimidation or any other means which vitiates the free will.[37] However, the Court will not take up appellant's allegations that he was tortured and maltreated by the investigating police and the security guards, because such consideration is no longer necessary in view of our holding on the violation of his right to counsel of choice. Where a confession is extracted contrary to the accused's Miranda rights, it is ipso facto inadmissible in evidence. Hence, there is no more need for the appellant to prove duress or intimidation to attain the same objective of outlawing the confession.

Circumstantial Evidence Insufficient

In view of the inadmissibility of appellant's extrajudicial confession, the prosecution's case rests purely on circumstantial evidence. Under Rule 133, Section 5 of the Rules of Court, "[c]ircumstantial evidence is sufficient for conviction if: (a) there is more than one circumstance; (b) the facts from which the inferences are derived are proven; and (c) the combination of all the circumstances is such as to produce a conviction beyond reasonable doubt." The well-entrenched doctrine is that:

“ x x x a judgment of conviction based on circumstantial evidence can be upheld only if the circumstances proven constitute an unbroken chain which leads to one fair and reasonable conclusion which points to the accused, to the exclusion of all others, as the guilty person, that is, the circumstances proved must be consistent with each other, consistent with the hypothesis that the accused is guilty, and at the same time inconsistent with any other hypothesis except that of guilty.”[38]

In the case at bar, we find that the totality of circumstantial evidence does not support the conviction of the accused. The only circumstances proven in this case were: (1) the mortal stabbing of the victim, Jessie Flores; (2) the presence of Appellant Armando Binamira in Magallanes Village where the crime occurred; 3) his arrest by the three RAPSA security guards, on the ground that he was walking suspiciously fast; and (4) the alleged recovery of bloodied clothes from appellant's bag.

The prosecution also pointed out that a necklace belonging to the victim was recovered from the appellant. This is highly dubious. According to the testimony of Police Officer Cruz, the appellant allegedly surrendered the necklace to a CID personnel at the police station after the investigation had already started.[39] This is incredible, for no such necklace or any other piece of stolen jewelry was found in appellant's possession when he was apprehended and searched by the security guards. Additionally, this Court wonders why appellant, who would not even hold on to his loot of jewelry, would lug around in his bag bloodied clothes which inexplicably were not presented in evidence during the trial.

All in all, these circumstances do not form an unbroken chain adequate to justify the inference beyond reasonable doubt that appellant was the perpetrator of the crime. These circumstances can be the subject of two possibilities: one consistent with the guilt of the accused and the other consistent with his innocence. The hornbook principle is that “ x x x when the inculpatory facts and circumstances are capable of two or more interpretations, one of which is consistent with the innocence of the accused and the other or others consistent with his guilt, then the evidence, in view of the constitutional presumption of innocence, has not fulfilled the test of moral certainty and is thus insufficient to support a conviction.”[40]

Sufficiency and Weight of Evidence

In view of appellant's admission that he was at the locus criminis when the offense was committed, his defense of denial is admittedly weak. However, it should not be automatically disregarded either. It may turn out to be true specially in this case where the appellant's extrajudicial confession is inadmissible in evidence and the remaining pieces of circumstantial evidence are sorely insufficient to convict him. In any event, the burden of proof is on the prosecution and unless such burden is discharged properly, the appellant has no duty to prove his innocence.

In closing, we must stress that mere suspicions and speculations can never be the bases of a conviction in a criminal case. Our Constitution and our laws dearly value individual life and liberty and require no less than moral certainty or proof beyond reasonable doubt to offset the presumption of innocence. Courts -- both trial and appellate -- are not called upon to speculate on who committed the crime. The task of courts, rather, is to determine whether the prosecution has submitted sufficient legally admissible evidence showing beyond reasonable doubt that a crime has been committed, and that the accused committed it. In this case, the prosecution has failed to present adequate proof demonstrating beyond reasonable doubt that Appellant Armando Binamira y Alayon was the culprit who robbed and killed Jessie Flores y Cledera.

WHEREFORE, the questioned Decision of the Regional Trial Court of Makati, Branch 58, is hereby REVERSED and SET ASIDE. Appellant Armando Binamira y Alayon is ACQUITTED on reasonable doubt. His immediate RELEASE from confinement is ORDERED unless he is detained for some other valid cause.
SO ORDERED.

Narvasa, C.J., (Chairman), Davide, Jr., Melo, and Francisco, JJ., concur.

[1] Married, 19 years old, employee of the National Food Authority and resident of ATO Compound, Fort Bonifacio, Makati, Metro Manila, on the date of the crime. Records, p. 87.

[2] Rollo, pp. 19-23.

[3] Judge Zosimo Z. Angeles presiding.

[4] Married, 30 years old, a beautician and resident of Blk. 9, Lot 12, Camella Homes, Alabang I, Muntinlupa, Metro Manila on the date of the crime.

[5] Records, p. 1.

[6] Ibid., p. 4. Before this Court, however, appellant is represented by the Public Attorney's Office.

[7] Decision of the Regional Trial Court, p. 5; Rollo, p. 23.

[8] Appellee's Brief, pp. 3-7; Rollo, pp. 88-92.

[9] Appellant's Brief, pp. 6-8; Rollo, pp. 41-43.

[10] Ibid., pp. 8-9; Rollo, pp. 43-44.

[11] Appellant's Brief, p. 15; Rollo, p. 50.

[12] Ibid., p. 16; Rollo, p. 51.

[13] Exhibit "C," Records, p. 84.

[14] "Opo. A.B." was handwritten. "A.B." allegedly meant "Armando Binamira."

[15] Appellee's Brief, p. 21; Rollo, p. 106.

[16] Article III, Section 12 of the 1987 Constitution provides:

"Sec. 12. (1) 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. If the person cannot afford the services of counsel, he must be provided with one. These rights cannot be waived except in writing and in the presence of counsel.

xxx xxx xxx

(3) Any confession or admission obtained in violation of this or Section 17 hereof shall be inadmissible in evidence against him.

xxx xxx xxx."

[17] Section 27, Article XVIII, 1987 Constitution.

[18] 63 SCRA 4, March 3, 1975.

[19] Appellant's Brief, p. 21; Rollo, p. 106.

[20] People vs. Maqueda, 242 SCRA 565, 585, March 22, 1995, per Davide, Jr., J.; citing 384 U.S. 436 (1966).

[21] 121 SCRA 538, per Concepcion, Jr., J.

[22] See, Filoteo, Jr vs. Sandiganbayan, G.R. No. 79543, p. 43, October 16, 1996.

[23] People vs. Morales, supra, p. 554. See also People vs. Maqueda, supra, p. 587.

[24] 135 SCRA 465, 472.

[25] 204 SCRA 719.

[26] Ibid; citing People vs. Olvis, 154 SCRA 513, September 30, 1987.

[27] People vs. Luvendino, 211 SCRA 36, 49-50, July 3, 1992.

[28] See Filoteo, Jr. vs. Sandiganbayan, supra, pp. 41-44.

[29] Bernas, Joaquin G., The 1987 Constitution of the Republic of the Philippines: A Commentary, 1996 ed., p. 409.

[30] Records of the 1986 Constitutional Commission, Vol. I, p. 734.

[31] People vs. Deniega, 251 SCRA 626, 637-638, December 29, 1995, per Kapunan, J.

[32] Records, p. 84.

[33] People vs. Newman, 163 SCRA 496, July 26, 1988.

[34] TSN, pp. 3-4, February 28, 1987.

[35] Patrolman First Class.

[36] Supra, p. 638.

[37] Art. III, Sec. 12, pars. 2 and 3, 1987 Constitution.

[38] People vs. Adofina, 239 SCRA 67, 76-77, December 8, 1994, per Regalado, J.

[39] TSN, p. 10, March 21, 1986.

[40] People vs. Agustin, 246 SCRA 673, 681, July 18, 1995, per Regalado, J.

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