

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ELIZALDE FACO Y FABIANA, ACCUSED-APPELLANT.*G.R. No. 115215. September 16, 1999*

Ponente: QUISUMBING, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-115215/>**QUISUMBING, J.:**

On appeal is the decision[1] dated February 24, 1994, of the Regional Trial Court of Roxas City, Branch 18, convicting accused-appellant of the special complex crime of Robbery with Homicide, sentencing him to suffer the penalty of reclusion perpetua, and ordering him to pay the heirs of the victim the amount of P50,000.00 as indemnity and P20,000.00 as actual damages.

Appellant Elizalde Faco y Fabiana was a 22 year-old tricycle driver residing in Barangay Banica, Roxas City, at the time of the offense. The victim, Lenny[2] Catalan, was a 17 year-old store manager of a bakery in that city. Appellant was the last person seen with her before she disappeared. Three days later, her decomposing body was found dumped in a vacant lot in Sitio Nipa, Barangay Culasi, Roxas City.

The relevant facts, based on testimonies on record, are as follows:

On August 8, 1993, the victim failed to come home and remit the sales of the bakery to its owner, Roger Gallega. Alarmed, Gallega went to the bakery but found it closed. He learned from Cris Villarisco, one of the two tricycle drivers who usually fetched the victim, that it was appellant's turn to fetch the victim that night. When Gallega failed to find the victim at the appellant's house, he asked his wife to inquire from the owner of the tricycle the whereabouts of appellant. His wife told him that the tricycle owner was also looking for appellant who failed to remit his earnings for the day. Gallega then sent for the parents of the victim to tell them that she was missing.[3]

According to Villarisco, at around 10:30 in the evening (of August 8), appellant requested him to bring him (appellant) and his wife to Lonoy, Capiz. Appellant drove the tricycle, but since it was already late, they spent the night in the house of Villarisco's aunt. The next day, Villarisco noticed scratches on the arms and hands of appellant, and when asked about it, appellant explained that those were marks of a knife. Appellant, likewise, intimated that he wanted to go to Manila with his wife, but his wife did not agree because they had no money. They left for the Poblacion of Ivisan, Capiz, and upon reaching the crossing, appellant and his wife alighted while Villarisco returned the tricycle to its owner in Roxas City.[4]

Gallega meanwhile reported Lenny's disappearance to the police. The Chief of Police of Roxas City dispatched PNP member Joselito Tupaz and some of his men to follow-up on said report[5] of disappearance.

In the meantime, appellant went to his uncle Joel Faco, a CAFGU member in Poblacion Ilaya, Capiz, to request that the latter accompany him to the Roxas Police Station. Faco declined to accompany him since the matter was beyond his jurisdiction. Instead, Faco requested Police Officer Samuel Jimenez of Dumalag, Capiz, to accompany appellant, but the latter also declined since he could not leave his post at that time.[6] When the Chief-designate Nicasio Lopez of Dumalag arrived at the police station, he received a report that appellant was requesting for

police assistance. Appellant wanted to be fetched from his uncle's house in Buntog, Dumalag, and thence accompanied to Roxas City. Chief Lopez ordered his men to fetch appellant,[7] and thereafter, radioed Roxas City Police Station that appellant was already in their custody.[8] Several police officers from Roxas City fetched appellant[9] and escorted him to the Roxas City Police Station.

Upon their arrival in Roxas City, at around 2 o'clock in the morning, appellant requested radio reporter Josephine Bicular to fetch PO3 Junie June Hervias "for he will only confide to the said police officer where the body of Lenny Catalan was." [10] Bicular relayed the request to SPO1 Edgar Demontaño. [11] Demontaño, Bicular and one SPO4 Langurayan fetched Hervias at his house. When Hervias arrived at the police station, he brought appellant to the investigation room and asked him what he was going to tell him. [12] Appellant then narrated the details of Lenny's disappearance.

He claimed that one Danny and he planned to hold up Lenny. After appellant fetched Lenny from the bakery, Danny and an unknown companion boarded the tricycle. However, he claimed that Danny and his companion were attracted to Lenny, and wanted to rape her and then kill her so that there will be no more witness, but appellant did not like this to happen, so he quarreled with Danny's companion. The two grappled and wrestled but appellant overpowered him. Appellant rushed to his tricycle and sped off, with the two men threatening to kill him and his wife. [13] Further, he told PO3 Hervias that he would help the policemen locate the body of the victim. Hervias, PO1 Demontaño, SPO4 Langurayan, reporter Josephine Bicular, photographer Tony Delfin and appellant boarded two separate patrol cars and went to Sitio Nipa, a dumping ground. Upon reaching Sitio Nipa, appellant pointed to the place where he left Lenny. The place was dark and the air reeking with foul odor. The policemen searched for almost two hours before they found Lenny's bloodied body face down, naked from the waist down, with legs spread apart. Photographer Delfin took pictures of the body. [14] The police summoned a funeral car to carry the cadaver to the funeral parlor. [15] The following day, appellant was questioned regarding his companions, Danny and another unidentified person, and despite efforts to locate them, they could not be found. [16]

On August 11, 1993, Dr. Noel Dorado, Medical Officer IV of the Roxas City Health Office, conducted the post-mortem examination and found the cause of death of Lenny as cardio-respiratory arrest secondary to neck fracture. He later testified that she might have been raped. [17]

On August 16, 1993, after preliminary investigation, [18] the City Prosecutor filed the Information [19] against appellant for the crime of Robbery with Homicide, as follows:

"That on or about the 8th day of August, 1993, in the City of Roxas, Philippines, and within the jurisdiction of the Honorable Court, the said accused, did then and there wilfully, unlawfully and feloniously with intent of (sic) gain and with the use of force and intimidation upon the person of Leny Catalan, took, carry away (sic) the amount of ONE THOUSAND FIVE HUNDRED PESOS (1,500.00), Philippine Currency; that on the occasion of the said Robbery and for the purpose of enabling him to take, steal and carry away the above mentioned money, herein accused, did then and there wilfully, unlawfully and feloniously with intent to kill, attack, assault and use personal violence upon the person of Leny (sic) Catalan, thereby inflicting upon her the following physical injuries:

I) HEAD

- a) Lacerated wound right external canthus at the eye measuring 1 cm in diameter;
- b) Lacerated wound (L) frontal area 3 by 2 cm in diameter;
- c) Lacerated wound (L) parietal area 3 by 1 cm in diameter;
- d) Hematoma at the right side of the neck secondary to fracture.

II) BODY

a) Multiple Hematomas all over the body involving upper and lower extremities.

III) GENTALIA: (sic)

a) Protrusion and swelling of both labia majora and minora;

b) Lacerated wound located at the right posterior portion of the labia majora measuring 3 cm in diameter.

which injuries was (sic) the direct result and cause of her death.”

Only appellant was charged; no mention was made of his alleged companions. On September 13, 1993, upon arraignment appellant, duly assisted by counsel, entered a plea of not guilty.[20] Appellant waived his right to a pre-trial conference, and trial ensued.

The prosecutor painstakingly pieced together the events leading to the commission of the crime. He presented eleven witnesses, namely, (1) Dr. Noel Dorado, Medical Officer IV of the City Health Office of Roxas City, who conducted the post-mortem examination on the victim; (2) PO3 Joselito Tupaz, (3) PO3 Junie June Hervias, (4) SPO1 Edgar Demontaño, all members of the Philippine National Police (PNP), Roxas City; (5) Annabelle Cargo, a friend of the victim who saw her board the tricycle of appellant that fateful night of August 8, 1993;[21] (6) Rex Dordas, a fish merchant, who saw the abandoned tricycle with city 421 at the Shell depot at around 8:30 in the evening of the same night;[22] (7) Roger Gallega, the employer of the victim; (8) Cris Villarisco, the tricycle driver who alternated with appellant in fetching the victim from her place of work; (9) Josephine Biclar, a news reporter, (10) Tony Delfin, the photographer; and (11) Remedios Catalan, the mother of the victim, who testified as to the damages she sustained as a result of the death of her daughter.[23]

For the defense, appellant presented himself and Chief of Police Nicasio Lopez, as his witnesses.

On the witness stand, appellant narrated a new version of his story. While he admitted that he was the one who fetched Lenny that fateful night, he denied any participation in the crime claiming that he was in fact also a victim of a hold-up perpetrated by Danny and the unnamed companion. After he had fetched Lenny, he said the tricycle was hailed by Danny and his companion. Danny sat beside Lenny, while the other man positioned himself behind appellant. Shortly thereafter, the man poked a knife at his side, while Danny poked a knife at Lenny's neck. The man ordered appellant to continue driving until they reached the Shell depot, where they all alighted. Danny removed his hand from Lenny's mouth, but she shouted for help. Appellant and the other man then grappled for possession of the knife resulting in the scratches on his left index finger, and lower left arm. Appellant kicked the man then rushed to his tricycle and sped off. The man tried to chase him, threatening to kill him and his wife. That, he claimed, was the last time he saw Lenny.[24] He further denied making any extrajudicial admissions to PO3 Hervias. He claimed that Hervias merely asked him where he left Lenny for the last time, and he went with the policemen to said place.[25]

On February 24, 1994, the trial court rendered its judgment:[26]

WHEREFORE, finding accused Elizalde Faco y Fabiana GUILTY beyond reasonable doubt of the complex crime of Robbery with Homicide defined and punishable under Art. 294, par. 1 of the Revised Penal Code, judgment is hereby rendered sentencing him to serve the penalty of reclusion perpetua with its accessory penalties under Art. 41, supra, and to indemnify the heirs of Lenny Catalan fifty thousand pesos (P50,000.00) as civil liability and twenty thousand pesos (P20,000.00) as actual damages.”

Hence, the present appeal. Appellant contends[27] that the trial court erred in --

I. ...HOLDING THAT THERE IS SUFFICIENT CIRCUMSTANTIAL EVIDENCE TO PROVE THE GUILT

OF THE ACCUSED-APPELLANT BEYOND REASONABLE DOUBT AND IN CONVICTING HIM OF THE CRIME OF ROBBERY WITH HOMICIDE.

II. ...ADMITTING AND IN GIVING CREDENCE TO THE TESTIMONIES OF PROSECUTION WITNESSES PARTICULARLY THE TESTIMONY OF PO3 JUNIE JUNE HERVIAS REGARDING THE ALLEGED ADMISSION MADE BY THE ACCUSED-APPELLANT DURING CUSTODIAL INVESTIGATION WITHOUT INFORMING HIM OF HIS CONSTITUTIONAL RIGHTS AND WITHOUT ASSISTANCE OF COUNSEL.

III. ...DISREGARDING THE TESTIMONY OF ACCUSED-APPELLANT AND HIS EXPLANATION WHY (HE) WENT TO DUMALAG INSTEAD OF THE ROXAS CITY POLICE STATION TO REPORT THE INCIDENT.

IV. ...FINDING THAT ROBBERY WAS ALSO COMMITTED IN THE ABSENCE OF EVIDENCE TO SUPPORT SAID FINDING.

In sum, appellant raises the following issues: first, whether the trial court erred in its assessment of credibility of the prosecution witnesses in the light of appellant's defense of denial; second, whether appellant was under custodial investigation at the time he made his extrajudicial admissions to PO3 Junie June Hervias, which would render his uncounselled statements inadmissible; and third, whether there was sufficient circumstantial evidence to convict appellant of the crime of robbery with homicide beyond reasonable doubt.

In resolving these issues, two things must be borne in mind: first, there was no eyewitness either to the robbery or to the homicide, and second, none of the things allegedly stolen was ever recovered. Thus, the prosecution had the difficult task of reconstructing the events before and after the disappearance of the victim through the testimonies of its witnesses, and also as to what happened during the actual robbery, mainly through the testimony of PO3 Hervias.

On the first issue, well-settled is the doctrine that findings of the trial court as to the credibility of witnesses are accorded great weight, even finality, on appeal, unless the trial court has failed to appreciate certain facts and circumstances which, if taken into account, would materially affect the result of the case.[28] This rule is justified by the fact that the trial court is in a better position to decide the question, having had the advantage of directly observing witnesses. The trial judge is able to detect that thin line between fact and prevarication that determines the guilt or innocence of the accused, which line may not be discernible from a mere reading of the impersonal record by the reviewing court.[29] We have thoroughly scrutinized the records of the case, and find no cogent reason to depart from this doctrine. The prosecution witnesses were police officers and impartial third persons who had no motive to falsely testify against appellant. When there is no evidence that the witnesses for the prosecution were actuated by improper motive, the presumption is that they were not so actuated and their testimonies are entitled to full faith and credit.[30] We have also held that when police officers have no motive for testifying falsely against the accused, courts are inclined to uphold the presumption of regularity in the performance of official duties.[31] Moreover, prosecution witness Josephine Bicular, the news reporter, is a distant aunt of appellant, her father being the cousin of appellant's grandmother.[32] For one to testify against a blood relative, especially where no ill-will or evil motive is shown, goes against the usual grain of logic and normal human conduct, demonstrating that the witness is moved only by the desire to tell the truth.

More importantly, appellant's testimony is in itself full of inconsistencies which only serve to magnify his apparent attempt to concoct a story to exculpate himself by passing the blame to two other persons who appear imaginary or have long vanished into thin air. While appellant testified that it was Villarisco who requested him to drive the tricycle that fateful evening, Villarisco said that it was actually appellant's turn to fetch the victim that night.[33] While appellant admitted to PO3 Hervias he planned with Danny to hold-up the victim, appellant

revised his story in court and claimed that he was but a mere victim of the hold-up while conveniently pointing to his alleged companions as the perpetrators of the crime. Appellant himself testified that when he got home, his wife asked him why he was pale and trembling, instead of replying he instructed her to gather their things since they were going away.[34] As correctly pointed out by the trial court, if he was indeed a victim of the hold-up, why would he frantically flee with his wife in the middle of the night to Dumalag which is more than 50 kilometers from Roxas City, and expose himself and his wife to more danger along the way instead of reporting the matter to the police. "Flight, when unexplained, is a circumstance from which inference of guilt may be drawn. Put another way, unexplained flight evidences guilt or betrays the existence of a guilty conscience." [35] Appellant testified that he told everything to the Chief of Police of Dumalag, Nicasio Lopez, but the latter, who testified for the defense, did not mention anything as to the alleged details of the crime.[36] Moreover, Rex Dordas, a fish merchant, testified that he saw the tricycle driven by appellant near the place where the victim's body was found, apparently abandoned, at or around the time of the commission of the crime. It is, therefore, apparent that appellant tailored parts of his testimony to fit certain inescapable facts proven by the prosecution, in particular, that he was the one who fetched the victim and that he requested to be escorted to the Roxas City Police Station, but the other parts of his story appear to be a disingenuous attempt to wash his hands of any part in the crime. Thus, in contrast to appellant's glib protestations of innocence, which we find to be utterly self-serving, the testimonies of the prosecution witnesses appear credible and truthful. When carefully interwoven with each other, they ineluctably lead to the conclusion that appellant is the one responsible for the crime charged.

On the second issue, crucial to the prosecution's case is whether or not appellant was under custodial investigation at the time he made his extrajudicial admissions to PO3 Hervias without the assistance of counsel. The right to counsel during custodial investigation is guaranteed by no less than Section 12 (1) and (3) of Article III of the Constitution.[37] It is further strengthened by the passage of Republic Act No. 7438,[38] which was already in effect at the time of the investigation of the crime. Under said law, custodial investigation includes the practice of issuing an "invitation" to a person who is investigated in connection with an offense he is suspected to have committed, without prejudice to the liability of the "inviting" officer for any violation of law.[39] Tested by this strict definition, appellant was unquestionably under custodial investigation at the time he made his uncounselled statements to PO3 Hervias. However, such statements were made to PO3 Hervias not in his capacity as a police officer, but of a trusted confidant of appellant. Such admissions are in the nature of volunteered statements which are not covered by the Constitutional provision on custodial investigations. We have clearly ruled on the admissibility of uncounselled confessions to private individuals in *People v. Andan*, 269 SCRA 95, 109-110 (1997), wherein we affirmed the conviction of the accused for the crime of Rape with Homicide based on his uncounselled extrajudicial confessions to the mayor and the news reporters together with the other circumstantial evidence against him. We held therein that —

“ x x x appellant's confession to the mayor was not made in response to any interrogation by the latter. (citing *Deuschner v. State*, 397 A. 2d 622 [1979]; *Vines v. State*, 394 A. 2d 809 ; *Cummings v. State*, 341 A. 2d 294 [1975]; *Howell v. State*, 247 A. 2d 291 [1968]; Statements made by defendant while in custody of police officers but not pursuant to any questioning by officers were properly admitted as spontaneously volunteered statements - *State v. Matlock*, 289 N.W. 2d 625 [1980]; *State v. Red Feather*, 289 N.W. 2d 768 [1980]). In fact, the mayor did not question appellant at all. No police authority ordered appellant to talk to the mayor. It was appellant himself who spontaneously, freely, and voluntarily sought the mayor for a private meeting. The mayor did not know that appellant was going to confess his guilt to him. When appellant talked with the mayor as a confidant and not as a law enforcement officer, his uncounselled confession to him did not violate his constitutional rights. (citing *Baysinger v. State*, 550 S.W. 2d 445, 447 [1977], where a defendant, not in custody, in talking with the sheriff wanted the sheriff for a confidant instead of a law enforcement officer, his admissions on an incriminating taped conversation did not violate the 4th, 5th and 6th Amendments of the U.S. Constitution and are thus admissible). Thus, it has been held that the constitutional procedures on custodial

investigation do not apply to a spontaneous statement, not elicited through questioning by the authorities, but given in an ordinary manner whereby appellant orally admitted having committed the crime. (citing *Aballe v. People*, 183 SCRA 196, 205 [1990]; *People v. Dy*, 158 SCRA 111, 123-124 [1988]; *People v. Taylaran*, 108 SCRA 373, 378-379 [1981]; See also *People v. Rogers*, 422 N.Y.S. 18, 48 N.Y. 2d 167, 397 N.E. 2d, 709, 714 [1979]). What the Constitution bars is the compulsory disclosure of incriminating facts or confessions. The rights under Section 12 are guaranteed to preclude the slightest use of coercion by the state as would lead the accused to admit something false, not to prevent him from freely and voluntarily telling the truth. Hence, we hold that appellant's confession to the mayor was correctly admitted by the trial court."

Here, in this case, the trial court correctly admitted in evidence the testimony of PO3 Hervias. Further, following Section 26, Rule 130 of the Rules of Court, appellant's voluntary declarations to PO3 Hervias as to relevant facts were allowed as evidence against him.

On the third issue, even where there is no direct evidence linking an appellant to the commission of the crime of Robbery with Homicide, the Court has held that circumstantial evidence is sufficient for conviction if (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.[40] No general rule can be laid down as to the quantity of circumstantial evidence which in any case will suffice. But 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 the hypothesis that he is innocent, and with every other rational hypothesis except that of guilt.[41] Here we find appellant's participation in the commission of the crime proved by the following circumstantial evidence:

- (1) He admitted to his own confidant, PO3 Hervias, that he planned with one Danny to hold-up the victim;[42]
- (2) He was the one who fetched the victim from the bakery on the night of her disappearance;[43]
- (3) At around 8:30 that same evening, his tricycle was seen near the scene of the crime by Rex Dordas, a fish vendor, who found it highly unusual for an tricycle to be abandoned in an uninhabited place at that time of the night;[44]
- (4) At around 10:30 that night, he fled with his wife to Dumalag in the middle of the night;[45]
- (5) He had scratches on his arms, which he admitted to have been caused by a struggle, and the post-mortem on the victim shows that she suffered several lacerated wounds and hematoma on her body;[46]
- (6) Upon his arrival at the Roxas City Police Station, he requested a news reporter to fetch PO3 Hervias because he had something important to confide to and tell the latter;[47]
- (7) He knew the location of the body of the victim, which could not have been found without his assistance;[48]

Worth noting, he attempted to shift suspicion to others. But he could not even describe clearly the alleged hold-upper "Danny", whom he was supposed to have known already for a month; much less identify Danny's companion, with whom he allegedly wrestled for the possession of a knife.[49] If appellant wanted to impute responsibility for the hold-up to Danny and his nameless companion, appellant miserably failed; but he succeeded to establish that a hold-up did take place.

Based on the chain of circumstances abovementioned, we are convinced that the prosecution has proved appellant's guilt to a moral certainty; and in the light of his admission to PO3 Hervias, we entertain no speck of doubt that appellant is responsible for the death of Lenny Catalan.

Is he, however, guilty of robbery with homicide, or only homicide?

Robbery with Homicide as a special complex crime is primarily a crime against property, homicide being incidental to the robbery, which is deemed the main purpose and object of the criminal.[50] In a case for Robbery with Homicide, it is incumbent upon the prosecution to establish that: “(a) the taking of personal property with the use of violence or intimidation against a person; (b) the property thus taken belongs to another; (c) the taking is characterized by intent to gain or animus lucrandi and (d) on the occasion of the robbery or by reason thereof, the crime of homicide, which is therein used in a generic sense, was committed.”[51] Although there was no witness as to the hold-up and actual taking of the money carried by the victim, the bakery owner, Mr. Gallega, testified as to the amount which the victim failed to remit that fateful night. It was placed at P1,500.00, based on the remaining items in the bakery.[52] That amount was never recovered, but from the circumstances proved the taking of said amount from Lenny occasioned her killing. As admitted by appellant, he had planned with “Danny” to hold-up the victim, although he tried to impress on the trial court that he did not want her killed. In our view, the essential nexus of this special complex crime, the “direct relation, and intimate connection between robbery and the killing, whether the latter be prior or subsequent to the former or whether both crimes be committed at the same time,”[53] has been proved by the prosecution. Appellant himself admitted there was a hold-up which, as it turned out, occasioned the victim’s death.

To recapitulate, the totality of the circumstantial evidence adduced in this case leads to the indubitable conclusion that appellant should be held liable for the crime not just of simple homicide but the special complex crime of Robbery with Homicide penalized under Article 294, No. 1, of the Revised Penal Code.

The commission of this crime was attended by the generic aggravating circumstance of use of a motor vehicle.[54] It has been established during the trial that appellant used the tricycle in going to the place of the crime, and in facilitating his escape.[55] However, the mitigating circumstance of voluntary surrender should be appreciated in favor of appellant, it appearing that (a) he had not yet been arrested; (b) when he surrendered himself to a person in authority; and (c) his surrender was voluntary.[56] At the time of its commission on August 8, 1993, the crime of robbery with homicide was penalized by reclusion perpetua to death. Hence, the trial court correctly imposed the penalty of reclusion perpetua.

We affirm the award of P50,000 as indemnity to the heirs of Lenny Catalan as well as the award of P20,000.00 as actual damages. Concerning actual damages, the amount of loss was subject of testimony of witnesses which gave competent proof, on the best evidence obtainable.[57] Mrs. Remedios Catalan, mother of the victim, testified that she spent P20,000.00 for burial expenses, including the coffin bought by witness Roger Gallega.[58] This amount appears to us reasonable and adequate for the purpose.

In addition, the award of P50,000.00 as moral damages is in order. The victim, according to Dr. Noel Dorado, suffered multiple injuries inflicted on her body, including her genitalia. Remedios also testified on her own anguish suffered as a result of the death of her daughter. There being one aggravating circumstance attending the offense committed, we further award the amount of P10,000.00 as exemplary damages, pursuant to Article 2230 of the New Civil Code.

WHEREFORE, the assailed decision convicting appellant Elizalde Faco y Fabiana for the crime of Robbery with Homicide and sentencing him to reclusion perpetua is hereby **AFFIRMED**, with **MODIFICATION** as to damages. Appellant is hereby ordered to pay the heirs of the victim P50,000.00 as indemnity, P20,000.00 as actual damages, P50,000.00 as moral damages and P10,000.00 as exemplary damages. Appellant is further ordered to refund to the owner of the bakery, Roger Gallega, the amount of P1,500.00.

Costs against appellant.

SO ORDERED.

Bellosillo, (Chairman), Mendoza, and Buena, JJ., concur.

- [1] Judge Roger B. Patricio, presiding.
- [2] Spelled as “Lennie” in the Certificate of Death, Records, p. 224; “Leny” in the TSNs.
- [3] TSN, November 18, 1993, pp. 3-6.
- [4] TSN, November 23, 1993, pp. 3-8.
- [5] TSN, November 18, 1993, p. 13.
- [6] TSN, January 19, 1994, pp. 9-10.
- [7] TSN, January 19, 1994, p. 11; TSN, December 9, 1993, p. 2; TSN, December 9, 1993, pp. 2-3.
- [8] TSN, December 9, 1993, p. 3.
- [9] TSN, January 19, 1994, p. 11.
- [10] TSN, December 1, 1993, p. 2; TSN, November 23, 1993, pp. 10, 16.
- [11] TSN, December 1, 1993, p. 2.
- [12] TSN, November 23, 1993, p. 10; TSN, December 1, 1993, pp. 2-3.
- [13] TSN, November 23, 1993, p. 13.
- [14] Exhibits “C”, “C-1”, “C-2”, “C-3”, Records, pp. 225-226.
- [15] TSN, December 1, 1993, pp. 3, 5, 7.
- [16] TSN, February 4, 1994, pp. 18-19.
- [17] TSN, October 7, 1993, pp. 3-7.
- [18] Resolution, Records, p. 19.
- [19] Records, pp. 1-2.
- [20] Order dated September 13, 1993, Records, p. 42.
- [21] TSN, October 13, 1993, p. 6.
- [22] TSN, November 9, 1993, p. 2.
- [23] TSN, December 1, 1993, p. 9.
- [24] TSN, January 19, 1994, pp. 3-8; TSN, February 4, 1994, pp. 3-9.
- [25] TSN, January 19, 1994, pp. 13-14.
- [26] Records, pp. 313-326.
- [27] Appellant’s Brief, Rollo, pp. 67-68.
- [28] People v. Batidor, G.R. No. 126027, February 18, 1999, p. 10.

[29] *People v. Antonio*, G.R. No. 118311, February 19, 1999, pp. 13-14, citing *People v. Llaguno*, 285 SCRA 124, 135 (1998).

[30] *People v. Solis*, 291 SCRA 529, 539 (1998).

[31] *People v. Guiamil*, 277 SCRA 658, 659 (1997); *People v. Ramos*, 240 SCRA 191 (1995).

[32] TSN, December 1, 1993, p. 4.

[33] TSN, November 23, 1993, pp. 8-9.

[34] TSN, January 19, 1994, p. 8.

[35] *People v. Laceste*, 293 SCRA 397, 408 (1998).

[36] TSN, January 19, 1994, p. 11.

[37] “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.

x x x

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

[38] Otherwise known as “AN ACT DEFINING CERTAIN RIGHTS OF PERSON ARRESTED, DETAINED OR UNDER CUSTODIAL INVESTIGATION AS WELL AS THE DUTIES OF THE ARRESTING, DETAINING, AND INVESTIGATING OFFICERS AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF,” which took effect on July 7, 1992.

[39] Section 2, last par. of R.A. No. 7438.

[40] Rule 133, Section 4, Rules of Court; *People v. Mendoza*, 284 SCRA 705, 714 (1998); *People v. Alberca*, 257 SCRA 613 (1996); *People v. Ramos*, 240 SCRA 191 (1995).

[41] *People v. Dabbay*, 277 SCRA 431, 436-437 (1997).

[42] TSN, November 23, 1993, pp. 10, 12.

[43] TSN, October 13, 1993, p. 4; TSN, January 19, 1994, p. 3.

[44] TSN, November 9, 1993, pp. 2-4.

[45] TSN, November 23, 1993, pp. 10-14.

[46] TSN, November 23, 1993, p. 13; TSN, October 7, 1993, pp. 4-5.

[47] TSN, December 1, 1993, pp. 2-3; TSN, November 23, 1993, p. 10.

[48] TSN, December 1, 1993, p. 3; TSN, November 18, 1993, p. 15.

[49] TSN, January 19, 1994, pp. 14-15.

[50] *People v. Navales*, 266 SCRA 569, 594 (1997).

[51] *People v. Nang*, 289 SCRA 16, 28 (1998).

[52] TSN, November 18, 1993, pp. 7-8.

[53] *People v. Navales*, 266 SCRA 569, 594 (1997).

[54] Article 14, No. 20, as amended.

[55] See *People v. Espejo*, 36 SCRA 400, 418 (1970).

[56] *People v. Antonio*, G.R. No. 118311, February 19, 1999, p. 16.

[57] *People v. Oliano*, 287 SCRA 158, 179 (1998), citing *People v. Degoma*, 209 SCRA 266 (1992).

[58] TSN, December 1, 1993, p. 9.

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.