

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. ROMULO TUNIACO, JEFFREY DATULAYTA AND ALEX ALEMAN, ACCUSED. ALEX ALEMAN, APPELLANT.

G.R. No. 185710. January 19, 2010

Ponente: ABAD, J.

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ABAD, J.:

This case is about the requirements of a valid extrajudicial confession and the establishment of the existence of corpus delicti in murder cases.

The Facts and the Case

The city prosecutor of General Santos City charged the accused Romulo Tuniao, Jeffrey Datulayta, and Alex Aleman with murder before the Regional Trial Court (RTC) of General Santos City in Criminal Case 8370.

Based on the findings of the RTC, in the morning of June 13, 1992 some police officers from the Lagao Police Sub-Station requested police officer Jaime Tabucon of the Central Police Station of General Santos City homicide division to take the statement of accused Alex Aleman regarding the slaying of a certain Dondon Cortez. On his arrival at the sub-station, Tabucon noted the presence of Atty. Ruperto Besinga, Jr. of the Public Attorney's Office (PAO) who was conversing with those taken into custody for the offense. When queried if the suspects would be willing to give their statements, Atty. Besinga said that they were.

Some other police officer first took the statement of accused Jeffrey Datulayta. Officer Tabucon next took the statement of accused Aleman, whom he observed to be in good physical shape.

Before anything else, officer Tabucon informed accused Aleman in Cebuano of his constitutional right to remain silent and to the assistance of counsel of his own choice and asked him if he was willing to give a statement. Aleman answered in the affirmative. When asked if he had any complaint to make, Aleman said that he had none. When Aleman said that he had no lawyer, Tabucon pointed to Atty. Besinga who claimed that he was assisting all the suspects in the case. Tabucon warned Aleman that anything he would say may be used against him later in court. Afterwards, the police officer started taking down Aleman's statement.

Accused Aleman said that in the course of a drinking bout with accused Datulayta and Tuniao at around 9 p.m. on June 6, 1992, Dondon Cortez threatened to report his drinking companions' illegal activities to the police unless they gave him money for his forthcoming marriage. According to Aleman, Datulayta and Tuniao had already planned to kill Cortez in Tupi, South Cotabato, for making the same threats and now they decided to do it. They got Cortez drunk then led him out supposedly to get the money he needed.

The three accused brought Cortez to Apopong near the dump site and, as they were walking, accused Aleman turned on Cortez and stabbed him on the stomach. Accused Datulayta, on the other hand, drew out his single shot homemade M16 pistol^[1] and shot Cortez on the head, causing him to fall. Datulayta handed over the gun to Aleman who fired another shot on Cortez's head. Accused Tuniao used the same gun to pump some bullets into

Cortez's body. Then they covered him with rice husks.

After taking down the statement, Tabucon explained the substance of it to accused Aleman who then signed it in the presence of Atty. Besinga.

On June 15, 1992 the police brought Aleman to the City Prosecutor's Office where he swore to his statement before an assistant city prosecutor. In the afternoon, accused Datulayta and Aleman led Tabucon, the city prosecutor, and a police inspector, to the dump site where they left their victim's body. After some search, the group found a spot covered with burnt rice husks and a partially burnt body of a man. About a foot from the body, they found the shells of a 5.56 caliber gun and an armalite rifle.

On being arraigned, all three accused, assisted by Atty. Besinga, pleaded not guilty to the murder charge. After the prosecution rested its case, accused Tuniaco filed a demurrer to evidence which the Court granted, resulting in the dismissal of the case against him. On being re-arraigned at his request, accused Datulayta pleaded guilty to the lesser offense of Homicide. The trial court sentenced him to imprisonment of six years and one day and to pay P50,000.00 to the victim's family.

For some reason, the trial court had Aleman subjected to psychiatric examination at the Davao Mental Hospital. But, shortly after, the hospital sent word that Aleman had escaped. He was later recaptured. When trial in the case resumed, Aleman's new PAO lawyer raised the defense of insanity. This prompted the court to require the Provincial Jail Warden to issue a certification regarding Aleman's behavior and mental condition while in jail to determine if he was fit to stand trial. The warden complied, stating that Aleman had been observed to have good mental condition and did not commit any infraction while in jail.

Although the prosecution and defense stipulated that Atty. Besinga assisted accused Aleman during the taking of his extrajudicial confession, the latter, however, recanted what he said to the police during the trial. He testified that sometime in 1992, some police officers took him from his aunt's house in Purok Palen, Labangal, General Santos City, and brought him to the Lagao police station. He was there asked to admit having taken part in the murder of Cortez. When he refused, they tortured him until he agreed to sign a document admitting his part in the crime.

Accused Aleman also testified that he could not remember having been assisted by Atty. Besinga during the police investigation. He even denied ever knowing the lawyer. Aleman further denied prior association with accused Tuniaco and Datulayta. He said that he met them only at the city jail where they were detained for the death of Cortez.

On October 8, 2001 the RTC rendered judgment, finding accused Aleman guilty beyond reasonable doubt of the crime charged, and sentenced him to suffer the penalty of reclusion perpetua. The court also ordered him to pay death indemnity of P70,000.00 and moral damages of P50,000.00 to the heirs of Cortez.

On appeal to the Court of Appeals (CA) in CA-G.R. CR-HC 00311, the court rendered judgment on January 21, 2008, affirming the decision of the RTC with the modification that directed accused Aleman and Datulayta to indemnify the heirs of Cortez, jointly and severally, in the amounts of P50,000.00 as civil indemnity; P50,000.00 as moral damages; P25,000.00 as temperate damages; and P25,000.00 as exemplary damages. Aleman appealed to this Court.

The Issues Presented

Accused Aleman raises two issues: a) whether or not the prosecution was able to present evidence of corpus delicti; and b) whether or not accused Aleman's extrajudicial confession is admissible in evidence.

The Rulings of the Court

1. Corpus delicti has been defined as the body, foundation, or substance of a crime. The evidence of a dead body with a gunshot wound on its back would be evidence that murder has been committed.[2] Corpus delicti has two elements: (a) that a certain result has been established, for example, that a man has died and (b) that some person is criminally responsible for it.[3] The prosecution is burdened to prove corpus delicti beyond reasonable doubt either by direct evidence or by circumstantial or presumptive evidence.[4]

The defense claims that the prosecution failed to prove corpus delicti since it did not bother to present a medical certificate identifying the remains found at the dump site and an autopsy report showing such remains sustained gunshot and stab wounds that resulted in death; and the shells of the guns used in killing the victim.

But corpus delicti need not be proved by an autopsy report of the dead victim's body or even by the testimony of the physician who examined such body.[5] While such report or testimony is useful for understanding the nature of the injuries the victim suffered, they are not indispensable proof of such injuries or of the fact of death.[6] Nor is the presentation of the murder weapons also indispensable since the physical existence of such weapons is not an element of the crime of murder.[7]

Here, the police authorities found the remains of Cortez at the place pointed to by accused Aleman. That physical confirmation, coming after his testimony of the gruesome murder, sufficiently establishes the corpus delicti of the crime. Of course, that statement must be admissible in evidence.

2. There is no reason for it not to be. Confession to be admissible must be a) voluntary; b) made with the assistance of a competent and independent counsel; c) express; and d) in writing.[8] These requirements were met here. A lawyer, not working with or was not beholden to the police, Atty. Besinga, assisted accused Aleman during the custodial investigation. Officer Tabucon testified that he saw accused Aleman, before the taking of his statement, conversing with counsel at the police station. Atty. Besinga did not dispute this claim.

Aleman alleges torture as the reason for the execution of the confession. The appellate court is correct in ruling that such allegation is baseless. It is a settled rule that where the defendant did not present evidence of compulsion, where he did not institute any criminal or administrative action against his supposed intimidators, where no physical evidence of violence was presented, all these will be considered as indicating voluntariness.[9] Here, although Aleman claimed that he bore torture marks on his head, he never brought this to the attention of his counsel, his relatives, or the prosecutor who administered his oath.

Accused Aleman claims, citing *People v. Galit*, [10] that long questions followed by monosyllabic answers do not satisfy the requirement that the accused is amply informed of his rights. But this does not apply here. Tabucon testified that he spoke to Aleman clearly in the language he knew. Aleman, joined by Atty. Besinga, even signed a certification that the investigator sufficiently explained to him his constitutional rights and that he was still willing to give his statement.

Further, Aleman asserts that he was lacking in education and so he did not fully realize the consequences of a confession. But as the CA said, no law or jurisprudence requires the police officer to ascertain the educational attainment of the accused. All that is needed is an effective communication between the interrogator and the suspect to the end that the latter is able to understand his rights.[11] This appears to have been done in this case.

Moreover, as the lower court noted, it is improbable that the police fabricated Aleman's confession and just forced him to sign it. The confession has details that only the person who committed the crime could have possibly known.[12] What is more, accused Datulayta's confession corroborate that of Aleman in important details. Under the doctrine of interlocking confessions, such corroboration is circumstantial evidence against the person

implicated in it.[13]

The Court notes that, when it modified the award of civil damages to the heirs of Cortez, the CA made both accused Aleman and Datulayta, jointly and severally liable, for the damages as modified. But the appeal by one or more of several accused cannot affect those who did not appeal, except if the judgment of the appellate court is favorable and applicable to them.[14] Here accused Datulayta pleaded guilty to the lesser offense of homicide and the trial court ordered him to pay only P50,000.00 in civil indemnity to the heirs of Cortez. The CA erred in expanding that liability when he did not appeal from his conviction.[15]

IN LIGHT OF THE FOREGOING, the Court AFFIRMS the Court of Appeals' judgment in CA-G.R. CR-HC 00311 dated January 21, 2008 against accused Alex Aleman. The Court, however, DELETES from such judgment the portion increasing the civil liability of accused Jeffrey Datulayta who did not appeal from the RTC decision against him.

SO ORDERED.

Carpio, (Chairperson), Brion, Del Castillo, and Perez, JJ., concur.

[1] CA rollo, p. 11.

[2] *People v. Cariño*, 438 Phil. 771, 777 (2002).

[3] *People v. Cabodoc*, 331 Phil. 491, 509-510 (1996).

[4] *People v. Vasquez*, G.R. No. 123939, May 28, 2004, 430 SCRA 52, 77.

[5] *People v. Cariño*, supra note 2.

[6] *People v. Barro, Sr.*, 392 Phil. 857, 873 (2000).

[7] *People v. Piedad*, 441 Phil. 818, 836 (2002).

[8] *People v. Gallardo*, 380 Phil. 182, 194 (2000).

[9] *People v. Del Rosario*, 411 Phil. 676, 690-691 (2001).

[10] 220 Phil. 143, 150-151 (1985).

[11] *People v. Muleta*, 368 Phil. 451, 464 (1999).

[12] *People v. Villanueva*, 334 Phil. 324, 330 (1997).

[13] *People v. Lising*, 340 Phil. 530, 560-561 (1998).

[14] Revised Rules of Criminal Procedure, Rule 122, Sec. 11.

[15] *People v. Napud, Jr.*, 418 Phil. 268, 284 (2001).

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