

THE PEOPLE OF THE PHILIPPINE ISLANDS, PLAINTIFF AND APPELLEE, VS. FLAVIANO FLORES ET AL., DEFENDANTS. DOMINGO SORATOS AND ELEUTERIO PASCUA, DEFENDANTS AND APPELLANTS.

G.R. No. 37737. March 17, 1933

Ponente: BUTTE, J.

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BUTTE, J.:

At about 10 o'clock in the night of June 27, 1931, a band of robbers attacked the house of Juan Amiscua in Rosales, Pangasinan. Besides wounding Juan Amiscua with bolos, they robbed the house of money and property valued at P840. Some sixteen persons were arrested and charged with the crime of robbery in band with less serious physical injuries. The case against five was dismissed for lack of evidence, the remaining eleven were found guilty and sentenced each to suffer twelve years and one day of reclusion temporal and to indemnify Amiscua in the sum of P840. From this judgment Domingo Soratos and Eleuterio Pascua appealed.

The principal assignment of error is that the lower court "erred in admitting and giving weight to the alleged confessions of the accused-appellants and in basing its judgment of conviction upon said alleged confessions."

The appellants are illiterate, ignorant men of humble station in life. They placed their thumb marks on their confessions while under arrest. Two days thereafter, upon arraignment, they pleaded not guilty before the justice of the peace. At the trial they repudiated said confessions and stoutly maintained their innocence of any participation in the crime. Pascua testified that he passed the night in question at home in Umingan and Soratos testified that he was in Alcala on the night of the robbery. Referring to his confession, the appellant Pascua stated that he was arrested and taken to the municipal building at Rosales where the chief of police asked him to sign a document which had already been prepared; he asked the chief of police to read it to him, which request was denied; when he refused to sign, two policemen took his manacled hand and made him stamp his thumb mark thereon; that the notary public, Navarro, who signed the jurat, promised that he would testify in his favor. The testimony of the appellant Soratos is to the same effect as regards his confession.

On rebuttal, the chief of police of Rosales denied that he made the appellants sign documents which were already prepared; he stated that their contents were read to and understood by the appellants before they affixed their thumb marks thereto. The notary public denied that he promised the appellant Pascua to testify in his favor. He also testified that while the chief of police was asking the questions of the accused, he wrote down the answers thereto, after which he read the document to Pascua and the latter placed his thumb mark thereon. The same procedure was followed with regard to the confession of Soratos.

Counsel for the appellants recognize that the question as to whether these confessions were free and voluntary, turns largely on the credibility of the witnesses. We can find no reason for impeaching the credibility of the chief of police and the notary public in this case. It is true we are dealing here with illiterate and ignorant men who doubtless never heard of that provision of the Bill of Rights of the fundamental law of these Islands to the effect

that "no person * * * shall be compelled in any criminal case to be a witness against himself." They doubtless never heard of the provision in the same Bill of Rights: "That in all criminal prosecutions the accused shall enjoy the right to be heard by himself and counsel, to demand the nature and cause of the accusation against him, * * * to meet the witnesses face to face, and to have compulsory process to compel the attendance of the witnesses in his behalf. That no person shall be held to answer for a criminal offense without due process of law; * * *." (Section 3, Act of Congress, August 29, 1916, 39 Stat. L., page 545.)

As against counsel's earnest appeal that the appellants acted in ignorance of their constitutional right to keep silent and to demand that they be confronted with the witnesses against them, we are faced with the stubborn fact that they signed these confessions and, according to evidence which we must accept, understood them. The corpus delicti is clearly established and there is direct corroboration of an impartial eyewitness as to Pascua and some, though slight, corroboration as to Soratos.

In the majority of all the criminal cases which have come before us on appeal this term, the accused have made extrajudicial admissions or confessions under circumstances which their counsel thought questionable. It may not be amiss to suggest that instead of burdening this court with appeals of that sort, a campaign of education of our "little men", carried on by the bar—perhaps through community assemblies—as to their constitutional rights, might serve them more effectively than appeals to this court.

We concur with the Attorney-General that these appellants should have been sentenced under article 503 (5) of the Penal Code. The same penalty is contained in article 294 (5) of the Revised Penal Code, with the only difference that the penalty under the latter is prision instead of presidio. The sentence imposed is reduced to six years, ten months and one day of prision mayor, and with this modification, the judgment is affirmed with costs against the appellants.

Avanceña, C. J., Street, Ostrand, and Abad Santos, JJ., concur.

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