

THE PEOPLE OF THE PHILIPPINE ISLANDS, PLAINTIFF AND APPELLEE, VS. SANTIAGO RAMOS AND SANTIAGO JACINTO, DEFENDANTS. SANTIAGO RAMOS, APPELLANT.*G.R. No. 39298. December 01, 1933*

Ponente: ABAD SANTOS, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-39298/>**ABAD SANTOS, J.:**

Appellant Santiago Ramos and Santiago Jacinto were prosecuted in the Court of First Instance of Bulacan for the crime of murder. After due trial, Santiago Jacinto was acquitted, but Santiago Ramos was convicted of the crime of homicide and sentenced to suffer twelve years and one day of reclusion temporal, with the accessory penalties prescribed by law, to indemnify the heirs of the deceased in the sum of P1,000, and to pay one-half of the costs.

The crime here involved took place at night and in an uninhabited place. It was discovered because Faustino Ramos happened to pass by the place where the crime was committed and saw the deceased in a dying condition. Faustino Ramos tried to find out from the deceased who his aggressor was, but the deceased could not utter any more words. He immediately notified the authorities of the matter. Laying suspicion on the herein appellant, the Constabulary authorities began searching for him the same night, but he could be found nowhere. For this reason, guards were posted near appellant's house. Early in the morning of the next day appellant came accompanied by his co-accused. On seeing the guards they trembled. In view of this attitude, and seeing blood stains in appellant's undershirt, the two were arrested. An investigation conducted by the Constabulary authorities resulted in two written declarations, one subscribed and sworn to by the appellant, another by his co-accused brother-in-law. The two declarations pointed to the guilt of the appellant. A post-mortem examination of the body of the deceased disclosed four open lacerated wounds in the back of the head at the occipital region, and four other big wounds which fractured the skull and caused the death.

At the trial the written declarations were offered in evidence, after the clerk of the trial court, before whom the defendants signed said declarations, testified that he read said declarations to them and questioned them as to the circumstances in which they were made. The defendants reserved their right to object to the admission of the declarations in evidence, and the trial court reserved its ruling thereon. The defense, through the testimony of the defendants, attempted to prove that said confessions were not read to them, thus contradicting the testimony of the clerk. On the other hand, both the appellant and his co-defendant testified that the former killed the deceased in self-defense. Both parties rested their case without any ruling on the written declarations. In his decision, the trial judge relied on said declarations and rejected the theory of self-defense advanced by the defendants.

On this appeal, two questions are raised: one relates to the admissibility of the written declaration or confession of the appellant, while the other to the sufficiency of the evidence to sustain conviction.

As to the first question, counsel contends that the testimony of the clerk of court alone was insufficient to prove that the appellant's confession was made freely and voluntarily. No doubt the question thus raised is predicated on former rulings of this court based on section 4 of Act No. 619, to the effect that no written confession should be

admitted in evidence without positive proof that it was made freely and voluntarily. In *United States vs. Zara* (42 Phil., 308), this court held that said section has been expressly repealed by the Administrative Code of 1917, and that, in view of such repeal, the burden of proof has shifted to the accused to establish that a written confession or admission attributed to him was not voluntarily given by him or that it was obtained by undue pressure. This decision was followed in *People vs. Singh* (45 Phil., 676). Moreover, upon the authority of the latter case, in relation to *United States vs. Agatea* (40 Phil., 596), the appellant's confession must be held to have been admitted without objection. In the *Singh* case, counsel for the defendant moved that certain testimony relating to an alleged confession be stricken from the record, on the ground that it had not been shown affirmatively by direct evidence that the confession had been made freely and voluntarily. The court took the motion under advisement. Counsel for the defendant contended that the failure of the trial court to rule on the motion, deprived the defendant of an opportunity to rebut the evidence of the confession. This court held: "The fact that the court, in its decision, takes the confession into consideration must be regarded as a denial of the motion to strike it from the record and if the defendant desired to introduce further evidence in rebuttal, the matter should have been brought to the attention of that court through the appropriate motion." In the instant case, there was no need for such a motion inasmuch as the defense had an opportunity to rebut the confession in question. And in *United States vs. Agatea*, *supra*, this court held that a confession offered in evidence and not objected to by the defendant is regarded as *prima facie* voluntary.

Of course this court has declared time and again that it would not stand on mere technicality when human liberty is involved. Courts are slow to accept extra judicial confessions and do so only after a most painstaking scrutiny of their merit. The general rule is that the admissibility of such confessions is necessarily addressed, in the first instance, to the trial judge. Thug we come squarely to the second question raised as to whether the evidence presented in this case is sufficient to sustain the findings of the trial judge.

Appellant claims that he acted in self-defense. The burden of proof is upon him to establish the acts constituting self-defense. (*People vs. Pabellan*, G. R. No. 39324[1]; *People vs. Baguio*, 43 Phil., 683.) In the instant case, the only evidence adduced to support the theory of self-defense was the testimony of the appellant and that of his co-accused brother-in-law, to the effect that the deceased was the first to strike him with a piece of wood, which he was unable to repel, after which a fair fight ensued between appellant and the deceased. It is striking that appellant suffered no injury whatever, and his claim that he suffered some contusions is not borne out by the evidence of record. We are satisfied, after a careful review of the record of the case, that appellant has failed to establish by a preponderance of evidence that he acted in self-defense.

We are not inclined to interfere with the finding of the trial court as to the existence of mitigating circumstance No. 4 of article 13 of the Revised Penal Code.

The judgment appealed from is, therefore, affirmed with costs against the appellant. So ordered.

Street, Malcolm, Vickers, and Butte, JJ., concur.

[1]58 Phil., 964.

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.