

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF & APPELLEE, VS. GODOFREDO INGUITO, ET. AL., ACCUSED, GODOFREDO A. INGUITO, DEFENDANT & APPELLANT.

G.R. No. 53497. October 18, 1982

Ponente: TEEHANKEE, J.

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TEEHANKEE, J.:

The Court reverses the trial court's judgment of conviction imposed on accused-appellant Godofredo Inguito and acquits him of the charge of murder considering that extra-judicial confessions obtained through force and intimidation and in violation of the accused's constitutional right to remain silent and to counsel are null and void and inadmissible in evidence by constitutional mandate. Without the outlawed extra-judicial confession, the remaining weak circumstantial evidence cannot support the judgment of conviction nor overcome the constitutional presumption of innocence in favor of the accused.

Accused-appellant, Godofredo Inguito alias Gudong, together with his co-accused Bienvenido Auguis alias Benido and Salvador Petallino alias Badoy were sentenced by the Court of First Instance of Baybay, Leyte¹ to a prison term of Reclusion Perpetua for the crime of murder committed against one Epifanio Cajis on the date and in the manner described in the information filed on February 20, 1979 by Asst. Provincial Fiscal Joventino P. Isidro of Leyte as follows:

"The undersigned Assistant Provincial Fiscal accuses GODOFREDO INGUITO, alias Gudong, BIENVENIDO AUGUIS, alias Benido and SALVADOR PETALLINO, alias Badoy of the crime of MURDER, committed as follows:

"That on or about the 7th day of January 1979, in the municipality of Bato, Province of Leyte, Philippines and within the jurisdiction of this Honorable Court, the three above-named accused, conspiring, confederating and helping one another, taking advantage of their superior strength and with the intent to kill, did, then and there wilfully, unlawfully and feloniously attack, assault, beat and stab for several times one EPEFANIO CAJES alias "Panyong Cajes" with "Madre Cacao" and "Biateles" wood sticks and with a sharp and pointed stainless kitchen knife about 6 inches long without any handle which they purposely provided themselves, thereby hitting and inflicting upon the said Epefania Cajes with mortal wounds on the different parts of his body which directly caused his death shortly thereafter.

"Contrary to Article 248 of the Revised Penal Code."

The evidence of the prosecution directly implicating the three accused were the affidavit of confession of accused-appellant and the joint statements of the two other accused given to the investigator, Patrolman Mariano V. Batoto, Jr. Believing that their confessions were voluntarily given, the trial court found them guilty as charged and sentenced each of the three to a prison term of Reclusion Perpetua and to indemnify the heirs of the victim, jointly, in the sum of P12,000.00, without subsidiary imprisonment in case of insolvency and to pay the costs. From the decision, Godofredo Inguito erroneously filed his appeal to the Court of Appeals. The records of the

case were transmit-ted to this Court, considering that the penalty imposed is reclusion perpetua. His convicted co-accused failed to appeal.

In the extra-judicial confession executed by accused-appellant on January 19, 1979, he appears to have admitted that he masterminded the killing of Epifanio Cajes and was assisted by his two co-accused in carrying out his plans. However, accused-appellant later retracted his admission of the crime and insisted that he signed the affidavit of confession because he was mauled in the toilet outside the prison cell and was warned by the guard who escorted him to the investigating judge that after the judge shall have read his affidavit, he should sign it, otherwise he will be mauled again.

As narrated by the trial court in its decision of December 12, 1979, accused-appellant Godofredo Inguito, on direct testimony, testified as follows:

"He is one of the accused in this case. He knows Epifanio Cajes. On January 7, 1979, he was at home. He knows Sitio Calingohan, Bato, Leyte. He knows Bienvenido Auguis for a long time. Bienvenido Auguis resides in Bato, Leyte. He knows Salvador Petallino, because they are neighbors.

"In the Investigation Report of Patrolman Mariano Batoto, Jr. of Godofredo Inguito, marked as Exhibit "B", the signature appearing thereon is his signature.

"In this investigation he was not represented by counsel. He has not finished Grade One. He does not know well the Cebuano-Visayan dialect. The contents of Exhibit "B" were not read to him by Pat. Mariano Batoto, Jr. He signed his signature before the Judge. The affidavit was read to him by the Judge and not all the contents are true. What is not true is the charge of killing of Epifanio Cajes. He signed this affidavit because he had been mauled. He does not know who mauled him. He was mauled in the toilet in Bato, Leyte. The toilet was outside the prison cell. The investigation was made when he was caught by the police on January 19, 1979. After he was mauled he was placed inside the cell. The investigation was ahead. He was mauled before the signing of the affidavit.

"He was alone in going to the Judge but escorted by the guard up to the door. He does not know the guard. The guard told him that after the Judge shall have read the contents of the affidavit, he should sign it, otherwise he will be mauled. He was not aided by a lawyer. The police was at the door when he signed the affidavit. After signing the affidavit he was placed back in jail. The policeman who escorted him was in police uniform and armed.

"It is not true that they killed Epifanio Cajes at the volleyball court. It is not true that they killed Epifanio Cajes with two (2) clubs and one stainless knife. It is not true that he started planning to kill Epifanio Cajes when Epifanio started hating him and planning to kill him.

"Before January 7, 1979, they had no differences with Epifanio Cajes."

Based on the circumstances declared by the accused-appellant, and in the absence of evidence by the prosecution to rebut accused appellant's claim that he was coerced into signing his confession the Court finds the extra-judicial confession to be null and void and consequently, inadmissible in evidence to convict accused-appellant. If it were true that the alleged confessions were voluntarily given by the three accused, the prosecution should have presented Patrolman Batoto to rebut accused-appellant's claim that he was mauled and threatened into signing it. Even his co-accused Salvador Petallino testified that he affixed his thumbmark on his alleged sworn statement because he saw accused-appellant already weak, because of the mauling.²

The Court is not unmindful of the practice of some officers of the law resorting to illegal and reprehensible tactics in order to coerce a person to sign a confession admitting his guilt. Hence, the Court has repeatedly stressed that 'the most painstaking scrutiny must be resorted to by the trial courts in weighing evidence relating to alleged

voluntary confessions of the accused and the courts should be slow to accept such confessions unless corroborated by other testimony.'³

We have always stressed that involuntary or coerced confessions obtained by force or intimidation are null and void and are abhorred by the law, which condemns the use of such cruel and inhuman methods to secure a confession. All courts of justice have invariably rejected such confessions not only because of their unreliability but more fundamentally on the ground of humanitarian principles which abhor all forms of torture or unfairness toward the accused in criminal proceedings.⁴ A coerced confession thus 'stands discredited in the eyes of the law and is a thing that never existed.'⁵

In repudiating his extra-judicial confession, accused-appellant asserted, as borne out by the record, that during the investigation, he, together with his co-accused were not assisted by counsel nor were they apprised by the investigator of their right to silence. On cross-examination, accused-appellant further testified that the investigating policeman did not read to him the contents of the affidavit nor was he asked whether his answers to the questions are true and correct.

It also appears that during the investigation, Pat. Batoto was typing while asking questions. Yet, accused-appellant has not even finished Grade I, and cannot understand and read English. His confession which was in English was asked in Cebuano-Visayan dialect, which he does not know well and further was translated to and typed in English by the investigator. Similarly, his answers had to be translated to and typed in English. Such a multiple process of reading and translating the questions and translating again the answers is naturally pregnant with possibilities of human, if not unintentional inadequacies and incompleteness which render the said confession unsafe as basis for conviction for a criminal offense, unless sufficiently corroborated.⁶

Accused-appellant likewise testified that during the preliminary investigation, they were not represented by counsel. Although he told the judge that not all of the contents of the affidavit were true, when it was read to him, still he was made to sign it. Prescinding from the force and intimidation used in securing the confession, the same was inadmissible and could not be used against him in court by force of Article IV, section 20 of the 1973 Constitution which mandates that "(N)o person shall be compelled to be a witness against himself. Any 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. No force, violence, threat, intimidation or any other means which vitiates the free will shall be used against him. Any confession obtained in violation of this section shall be inadmissible in evidence." As held in *People vs. Jimenez*,⁷ such confessions obtained during custodial interrogation by the police without proper safeguards and warnings to the accused that 'he has a right to remain silent, that any statement he does make may be used against him and that he has a right to the presence of an attorney - either retained or appointed' are inadmissible in evidence to prove the guilt of the appellant."

Aside from the extra-judicial confessions, there is no direct evidence nor actual witness linking the accused to the commission of the crime. The prosecution tried to establish the guilt of the accused-appellant and his co-accused through the testimony of Felimon de Veyra. He testified that on January 6, 1979 at 7:00 o'clock in the evening, he was at the dance hall in the yard of his brother Climaco de Veyra. The dance was held to celebrate the wedding of Climaco. He saw accused-appellant and his co-accused drinking with the victim. After a while, they disappeared and the four of them went to an isolated place about fifty (50) meters from him where the light of a Petromax lamp reached them. Although he was observing them, he did not know what they were doing. Then, only the three accused came back and continued dancing.

On cross-examination, de Veyra testified that he did not actually see what the three accused did to the victim. The following day, he noticed that the victim was no longer in his house. He observed supposedly that the three

accused were evading him and after the police got their statements, he then concluded that they were the ones who killed the victim. In point of time, since the victim was last seen that night by the witness, his decomposing body was recovered only about three weeks later.

The Court rules that the testimony of de Veyra and his conclusion that the accused-appellant and his co-accused were the perpetrators of the crime are mere conjectures and purely circumstantial which fall far short of proof beyond a reasonable doubt that produces moral certainty of the guilt of the accused.

The accused has in his favor the presumption of innocence as guaranteed by the Constitution. It is thus required that every circumstance favoring his innocence be duly taken into account. The proof against him must survive the test of reason. The conscience must be satisfied that the defendant has been proven guilty of the offense charged.⁸ Only by proof beyond reasonable doubt which requires moral certainty "a certainty that convinces and satisfies the reason and conscience of those who are to act upon it" may the presumption of innocence be overcome.⁹ The Court finds no such proof in the case at bar.

Accordingly, the decision of the lower court under review imposing the penalty of Reclusion Perpetua on accused-appellant Godofredo Inguito is hereby reversed and he is hereby acquitted of the charge against him. His immediate release is ordered, unless he is held for some other lawful cause. With costs de oficio. In view of the circumstances above-recited which cast doubt on the validity and admissibility of the statements of the two co-accused of the herein accused-appellant who were likewise convicted by the trial court but who for reasons not shown in the record failed to appeal, let copy of this decision be furnished the Honorable Minister of Justice for possible recommendation of executive clemency.

Melencio-Herrera, Plana, Vasquez, Relova, and Gutierrez, Jr., JJ., concur.

1 Presided by Judge Fortunato B. Cuna.

2 P. 10, Decision.

3 *People vs. Urro*, 44 SCRA 473 (1972); *People vs. Palacpac*, 49 SCRA 440 (1973); *People vs. Manioulas, et. al.*, 52 SCRA 1 (1973); and *People vs. Francisco*, 74 SCRA 158.

4 *People vs. Andag*, L-43618, March 31, 1980.

5 *U.S. vs. Santos*, 24 Phil. 329; *People vs. Nishisima*, 57 Phil. 26.

6 *People vs. Francisco*, 74 SCRA 158; *People vs. Robles*, 92 SCRA 107.

8 *People vs. Dramayo*, 42 SCRA 59.

9 *People vs. Ramos*, 41 SCRA 19 (1971); *People vs. Dramayo*, 42 SCRA 59 (1971); *People vs. Imperio*, 44 SCRA 75 (1972); *People vs. Custodio*, 47 SCRA 289 (1972); *People vs. Basuel*, 47 SCRA 207 (1972); *People vs. Palacpac*, 49 SCRA 440 (1973); *People vs. Zamora, et al.*, 54 SCRA 47 (1973); *People vs. Alvarez*, 55 SCRA 81 (1974); *People vs. Beltran*, 61 SCRA 246 (1974); *Duran vs. CA, et al.*, 71 SCRA 68 (1976); and *People vs. Montero*, 76 SCRA 437, (1977).

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