

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
ARMANDO MATILLA ALIAS MANDO, ACCUSED, WHOSE DEATH
SENTENCE IS UNDER REVIEW.**

G.R. No. 53570. July 24, 1981

Ponente: AQUINO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-53570/>

AQUINO, J.:

This is an automatic review of the decision of the Court of First Instance of Samar, Calbayog City Branch IV, convicting Armando Matilla of highway robbery with homicide under the Anti-Piracy and Anti-Highway Robbery Law of 1974 (Presidential Decree No. 532 which took effect on August 8, 1974, 70 O. G. 7343), sentencing him to death and ordering him to pay to the heirs of the victim, Marina Cano Llantada, an indemnity of P42,000 (Criminal Case No. 1366).

The judgment of conviction was based on Matilla's plea of guilty, extrajudicial confession and the testimonies of the prosecution witnesses who were not eyewitnesses.

The record indubitably establishes the corpus delicti or the commission of highway robbery with homicide. In the evening of May 19, 1979, Marina Cano Llantada, 58, was maliciously killed on the highway at Barangay Cagsalaosao, Calbayog City.

She had a wound in the abdomen twenty centimeters deep which was fatal according to the city health officer who conducted the autopsy. She had another wound on the navel and abrasions on the left eye and left cheek (Exh. A). The bills amounting to thirty pesos which she had allegedly shown to her daughter before they parted were missing.

The police investigated the case. After obtaining the affidavits of some witnesses, they indorsed the case to the city fiscal's office. On July 26, 1979, the city fiscal of Calbayog City filed in the Court of First Instance of Samar an information for highway robbery with homicide against Armando Matilla, Rubin Matilla and Wenifredo Lebajo (Criminal Case No. 1366).

It was alleged that in the evening of May 19, 1979 the three accused, as co-conspirators, robbed Mrs. Llantada of the sum of thirty pesos, while she was on the national highway at Barangay Cagsalaosao, Calbayog City and that they killed her on that occasion.

Treachery, abuse of superiority, disregard of sex and old age, nocturnity and desoblado were alleged as aggravating circumstances.

An assistant fiscal certified under oath that he conducted the pre-liminary investigation. Upon motion of the city fiscal, a warrant of arrest was issued. Lebajo was arrested on August 30, 1979. At his arraignment, he pleaded not guilty. Rubin Matilla is at large.

Armando Matilla, 21, married an elementary school graduate, a native of Barangay Kanhawan Guti, Catbalogan,

Samar and a resident of Barangay Longsob, Oquendo District, Calbayog City, was arrested by the police of Malabon, Metro Manila on October 6, 1979 (pp. 31-32, Record). Evidently, he had left Samar and fled to Metro Manila.

A policeman of Calbayog City took Matilla's statement on October 29, 1979. Matilla allegedly waived his constitutional rights to have counsel and not to incriminate himself (Exh. B-3).

In that statement, taken during custodial interrogation, Matilla confessed that he stabbed Marina Llantada two times in the abdomen with a Batangas knife and then took two pesos from her pocket. The stabbing was perpetrated near Barangay Trinidad, Calbayog City in the presence of Lebajo and Rubin Matilla, a cousin of Armando (Exh. B-3).

However, the confession, which was sworn to before the clerk of court, is not admissible under Article IV (Bill of Rights) of the Constitution which provides:

"SEC. 20. No 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."

Matilla was not informed of his right to remain silent. The prosecution failed to prove that he had waived that right and his right to have counsel during custodial interrogation. The waiver should be made voluntarily, knowingly and intelligently (*Miranda vs. Arizona*, 16 L. ed. 2nd 694, 697; See *People vs. Caguioa*, L-38975, January 17, 1980, 95 SCRA 2).

For reference, the English translation of Matilla's confession, which was taken in his native dialect, is quoted below:

"Preliminary: Armando Matilla, you are here now being investigated in the Office of the Investigator.

As provided for in our new Constitution, you are informed in connection with this investigation that you have the right to answer or not the questions which will incriminate you.

Q. Do you understand your right? - A. Yes, sir.

Q. After reading to you about your rights, which you understood, do you want to get a lawyer who will assist you in this investigation? - A. It is not necessary anymore, sir.

Q. Do you swear to tell the truth and nothing but the truth in this investigation? - A. Yes, sir.

Q. Please state your full name, age, residence and other personal circumstances? - A. Armando Matilla y Estrera, 21 years old, married, a native of Kanhawan Guti, Catbalogan, Samar and now residing in Barangay Longsob, Oquendo District, Calbayog City.

1. Q. Do you know why you were apprehended and your statement is being taken down by the office of the investigator? - A. I was apprehended and my statement is being taken in connection with my killing of an old woman (Marina Llantada).

2. Q. When did you kill that old woman? - A. I do not remember anymore, sir (May 19, 1979).

3. Q. Who were your companions when you killed that old woman? - A. Wennie Lebajo and Ruben Matilla.

4. Q. Where did you kill that old woman? - A. I just do not remember in what place, sir, but it was beyond Barangay Trinidad (Barangay Sabang).

5. Q. What did you and your companions do when you arrived at that place which you said was beyond Barangay Trinidad? - A. I immediately stabbed that old woman (Marina Llantada) who was hit on her abdomen and the two, Wennie Lebajo and Ruben Matilla, ran away.

6. Q. How many times did you stab that old woman (Marina Llantada)? - A. I stabbed that old woman twice both hitting her abdomen.

7. Q. What kind of weapon did you use in stabbing that old woman and where is it? - A. I used a Batangas knife which I threw away and I do not know where did I throw it.

8. Q. Who among the three of you took the money inside the pocket of that old woman? - A. I was the one who took the money inside the pocket but there was only P2.00.

9. Q. Where is your cousin Ruben Matilla now? - A. I do not know but according to rumors he had already returned to the Visayas.

10. Q. Do you still have more to add to your statement? - A. No more, sir.

11. Q. Will you sign your affidavit to attest that all that (you) have declared is your own and voluntarily made without being forced, threatened and promised of any reward which would compel you to give a statement? - A. Yes, sir.

End of statement.

(Sgd.) ARMANDO MATILLA

Affiant"

(Jurat is omitted)

On October 31, 1979, Armando Matilla was arraigned with the assistance of a counsel de officio, Jose Q. Baltazar (3 tsn October 31, 1979). Armando at first pleaded guilty. But after he said that he had confessed due to maltreatment, the trial court entered a plea of not guilty for him.

The following is a transcript of the proceedings at that arraignment:

"Court: Are you ready for arraignment now? - Atty. Baltazar: Ready, your Honor.

Court: Arraign the accused.

Interpreter reads the information to the accused in the vernacular.

Court: Q. Did you understand the information as read and translated to you in the dialect? - A. Yes, sir.

Q. How do you plead? - A. I plead guilty, your honor, and in doing so, Ruben Matilla and Wenifredo Lebajo were with me but that I did the act alone.

Q. What is that which you did? - A. I killed her.

Q. Also you robbed her? - A. I happened to place my hands inside her pockets.

Q. Now, frankly, did you kill her and that thereafter or you first, robbed her, extract money from her after which you killed her? - A. She was dead already when I took the money.

Q. Now, do you realize the consequences of your entering a plea of guilty in that you admit that on that day of May 19, 1979, together with your co-accused, you killed and robbed that woman, Marina Cano Llantada? - A. Yes, sir.

Q. Do you realize that by reason of your plea, you can now be sentenced by this Court without the benefit of trial wherein the Court will still hear the evidence of the prosecution and your side? - A. Yes, sir.

Q. Do you realize that because of your plea of guilty, you can now be sentenced by this Court to a death penalty under the indictment filed by the City Fiscal, electric chair though I don't want to give you this. But you must realize because of your plea now, the Court will be compelled to give you mandatory penalty of death?

I have no recourse under the circumstances. You have admitted to have killed that woman, Marina Cano Llantada after which, you have robbed her, divested her of her money and it was on nighttime and you disregarded of her being a woman. That is one aggravating (circumstance) and the Court has no recourse but to impose death although I am not willing to give it to you. Do you admit that? - A. No, sir.

Q. You mean you admit the killing? Answer. - A. I confessed because I was maltreated.

Q. You were maltreated by whom? - A. By a policeman.

Court: Enter a plea of not guilty.

Q. You mean you are now withdrawing your plea of guilty to not guilty after you were informed of the consequences, of your having admitted the killing? - A. I will not plead guilty.

Court: The Court is warning about that because if you plead guilty, the Court will give you death penalty in open Court. Order.

Accused, Armando Matilla having been arraigned today with a plea of not guilty, set this case for hearing on November 27, 1979 at one o'clock in the afternoon considering the other accused is scheduled on that day. SO ORDERED." (pp. 3-4 tsn, October 31, 1979.)

Later, at the hearing on November 27, 1979, Matilla manifested through counsel that he wanted to plead guilty to an amended charge for murder. He made the same manifestation during the hearing on February 28, 1980 (pp. 44 and 63, Record).

The minutes of the hearing on March 5, 1980 show that Matilla, when re-arraigned, pleaded guilty to the crime charged, which is highway robbery with homicide, after he was allowed to withdraw his plea of not guilty (p. 69, Record). The trial court in its decision dictated in open court on that date, March 5, 1980, noted that Matilla pleaded guilty.

After the accused had pleaded guilty and before the judgment of conviction was rendered, the trial court required the fiscal to present his evidence.

Lydia Llantada Cosep, a public school teacher, testified that at about three o'clock in the afternoon of May 19, 1979, her mother, Mrs. Llantada, the victim in this case, a resident of Barangay Anislag, Calbayog City, visited her in her house at Barangay Trinidad of the same city. The distance between the two barangays is about three kilometers.

At about five o'clock on that afternoon, her mother left her house. Mrs. Llantada boarded a tricycle going to the highway where she would get transportation in returning to Barangay Anislag. Lydia offered to pay her fare but Mrs. Llantada said that she would pay her own fare. She showed to Lydia her money. "May-ada aco P30", said Mrs. Llantada.

The next morning at around six o'clock a policeman informed Lydia that her mother was found dead on the national highway in a place called Macacabalo, a part of Barangay Cagsalaosao. The house nearest that place was about a hundred meters away. Her mother's money was missing.

Basilio Abes, 70, a neighbor of Mrs. Llantada, testified that in the evening of May 19, 1979 he met her on the highway near the camp of De la Riva. She was accompanied by Lebajo and Armando Matilla. Abes pointed in court to a person with a harelip who turned out to be Matilla.

Eugenia Petos, a resident of Oquendo, Calbayog City, testified that at about nine o'clock in the evening of May 19, 1979 Lebajo and two persons, one of whom had a harelip, appeared in her store and wanted to buy food. As there was no food, they just drank water.

The three appeared to be panicky or frightened and were out of breath. After drinking water, they left. Worried that there was something wrong, Petos closed her store.

Zacarias Daguman, also a resident of Oquendo, saw Lebajo and Matilla eating in a restaurant that same evening of May 19, 1979. They looked worried and fidgety.

The fiscal had filed a motion to discharge Lebajo so that he could be utilized as a State witness. The trial court denied the motion. It regarded as unnecessary Lebajo's presentation as a witness because of Matilla's plea of guilty (37 tsn March 5, 1980). The trial court subsequently dismissed the case against Lebajo for lack of evidence (pp. 82-83, Record).

The trial court in convicting Matilla reasoned out that his second plea of guilty, which superseded his prior plea of not guilty, cured the defects of his extrajudicial confession.

It should be noted that Matilla did not testify at the trial and did not appeal from the judgment of conviction.

His learned and able counsel de oficio, designated to present his side in this review of the death penalty, contends that the trial court erred in accepting Matilla's plea of guilty, in lieu of his prior plea of not guilty, because it did not ascertain whether he had grasped fully the meaning and consequences of his plea.

The Solicitor General agrees with the counsel de oficio that Matilla had made an improvement plea of guilty.

We hold that the trial court was justified in convicting the accused on the basis of his second plea of guilty.

It is true that the transcript of the stenographic notes for the hearing on March 5, 1980 does not reveal how Matilla withdrew the plea of not guilty entered for him by the trial court at the hearing on October 31, 1979 and substituted it with his second plea of guilty.

That omission was the fault of the stenographer, not of the trial court. As stated earlier, the minutes of the hearing prepared by the clerk of court unquestionably prove that Matilla entered a plea of guilty to replace his previous plea of not guilty (p. 69, Record).

The trial court in its decision dictated in open court made repeated references to Matilla's second plea of guilty. If no such plea had been made, as intimated by counsel de oficio and the Solicitor General, then Matilla's counsel would have called the trial judge's attention to that discrepancy.

It is also true that the prosecution's oral evidence, which was received after the plea of guilty was made, does not prove Matilla's guilt. It has very little probative value.

On the other hand, as already adverted to, the extrajudicial confession, which was identified by the police investigator, is not admissible under the Constitution.

Nevertheless, it should be underscored that at Matilla's first arraignment on October 31, 1979, when the trial court, following the recurring admonition of this Court to trial judges in capital cases, interrogated him, he freely and spontaneously pleaded guilty with the assistance of his counsel. Aside from pleading guilty, he admitted

having killed and robbed Mrs. Llantada. It is significant that that admission was a confession of guilt which was distinct from his plea of guilty.

To all indications, he was aware of the consequences of his judicial admission of the killing and robbery on the national highway. Matilla's separate and voluntary admission of guilt, made in open court, when he was assisted by counsel and was not acting under duress or cajolery, is conclusive as to his guilt.

Of course, that judicial confession was rendered inoperative when moments later during the arraignment in the course of judicial interrogation, Matilla said that he confessed because he was maltreated. At that juncture, the trial court entered a plea of not guilty for him, a plea which Matilla confirmed and which cancelled his plea of guilty.

But four months later, Matilla, before trial, was re-arraigned. At the re-arraignment, he withdrew his plea of not guilty and restored his original plea of guilty.

Matilla's second plea of guilty automatically revived his judicial confession of guilt. Not only that. As correctly rationalized by the trial court, his second plea of guilty validated his extrajudicial confession (Exh. B). It removed any reasonable doubt as to his guilt.

In retrospect, it would appear that Matilla withdrew his original plea of guilty because it was impressed upon him by the trial court that his mea culpa would result in his electrocution.

But it is clear that when he withdrew his plea of not guilty and substituted it with a plea of guilty, he was fully cognizant of the grave consequences of that second plea of guilty because he made the withdrawal long after he had pleaded not guilty and after the fiscal had repeatedly refused to accede to his request that the charge be changed to murder.

The crime committed by Matilla is highway robbery with homicide penalized with death as a single indivisible penalty under the aforementioned Presidential Decree No. 532 which provides:

"SEC. 2. Definition of Terms. - The following terms shall mean and be understood, as follows:

x x x x x x x x

"e. Highway Robbery/ Brigandage. - The seizure of any person for ransom, extortion or other unlawful purposes, or the taking away of the property of another by means of violence against or intimidation of persons or force upon things of other unlawful means, committed by any person on any Philippine Highway."

"SEC. 3. Penalties. - Any person who commits piracy or highway robbery/brigandage as herein defined, shall, upon conviction by a competent court be punished by:

x x x x x x x x

"b. Highway Robbery/Brigandage. - The penalty of reclusion temporal in its minimum period shall be imposed. If physical injuries or other crimes are committed during or on the occasion of the commission of robbery or brigandage, the penalty of reclusion temporal in its medium and maximum periods shall be imposed. If kidnapping for ransom or extortion, or murder or homicide, or rape is committed as a result or on the occasion thereof, the penalty of death shall be imposed."

Section 5 of Presidential Decree No. 532 repealed pertinent portions of the Revised Penal Code.

Matilla's plea of guilty has no effect on the death penalty which is imposable upon him (Art. 63, Revised Penal Code).

Hence, the trial court did not err in imposing the death penalty. However, the requisite ten votes cannot be obtained for the affirmance of the death penalty.

WHEREFORE, the trial court's judgment is affirmed with the modification that the death penalty is commuted to reclusion perpetua.

SO ORDERED.

Fernando, C.J., Makasiar, Concepcion, Jr., Fernandez, Guerrero, De Castro, and Melencio-Herrera, JJ., concur.
Teehankee, J., no part.

Barredo, J., registers his vote for the imposition of capital punishment.

Abad Santos, J., in the result.

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.