

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RENATO SANTOS, ROMEO GUTIERREZ, ANTONIO JUANINGO, ALFREDO GONZALES, JOSEPH LA-NUZA AND JOSE PEREZ, DEFENDANTS-APPELLANTS.

G.R. No. 62072. November 11, 1985

Ponente: ESCOLIN, J.

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ESCOLIN, J.:

Mandatory review of the death sentence imposed by the then Circuit Criminal Court of Rizal upon Renato Santos, Romeo Gutierrez, Antonio Juaningo, Alfredo Gonzales, for the slaying of Danilo Mangaliman. The decretal portion of the decision reads:

"WHEREFORE, in view of the foregoing, as far as accused Renato Santos is concerned, considering his spontaneous and voluntary confession of guilt, the Court finds him GUILTY, beyond reasonable doubt, for the crime of Murder, as defined and penalized under Art. 248 of the Revised Penal Code, and as charged in the information, and hereby sentences him to suffer the maximum penalty of death. As far as accused Romeo Gutierrez, Antonio Juaningo, Alfredo Gonzales, Joseph Lanuza and Jose Perez are concerned, in view of the tide of evidence against them, the Court likewise finds them GUILTY, beyond reasonable doubt, for violation of the provisions of Art. 248 of the Revised Penal Code, as charged in the information, and hereby sentences each of them to suffer the penalty of death.

"The accused are ordered to indemnify the heirs of the victim in the amount of P12,000.00, jointly and severally; to pay the amount of P6,000.00 as moral damages, jointly and severally; to pay another amount of P6,000.00 by way of exemplary damages, jointly and severally; and to pay their proportionate share of the costs.

"SO ORDERED."

The crime was committed inside the New Bilibid Prison in Muntinlupa, Rizal, where all the accused as well as the victim were serving their respective sentences for convictions by final judgments issued by courts of competent jurisdiction. The information charged that the aforementioned accused, conspiring with one another, and with evident premeditation and treachery, assaulted and stabbed Danilo Mangaliman, inflicting upon him stab wounds which caused his death.

At their arraignment, Renato Santos entered a guilty plea, while all his co-accused pleaded not guilty to the information.

It is undisputed that at about 3:00 in the afternoon of January 16, 1977, Danilo Mangaliman was stabbed by Renato Santos after a heated argument inside Dormitory 5-A of the National Bilibid Prison. The victim was brought to the prison hospital where he died the following day. According to Dr. Ampil, the medico-legal of the NBI, who performed the autopsy, the cause of the victim's death was profuse hemorrhage due to a stab wound in the abdomen.

Immediately after the incident, Renato Santos surrendered to Prison Officer Vivencio Lahus to whom he readily admitted authorship of the crime.

In the ensuing investigation conducted by Officer Francisco Cometa, Jr., several prisoners, including Romeo Fernandez, Roberto Alvarez and Narciso Socorro were interrogated. Only prisoner Romeo Fernandez could give an eye-witness account of the incident. Fernan-dez executed a sworn statement which was pre-sented in evidence as Exhibit "C" for the prosecution. However, Fernandez himself never testified at the trial.

All the accused, except Renato Santos, now assail the judgment of conviction. Calling attention to the fact that the lower court's findings were based solely upon the recitals contained in the affidavit of Romeo Fernandez, and stressing that the latter never testified during the proceedings a quo, the accused challenge their conviction on the primordial ground that the same was based on purely hearsay evidence. Appellants' position is impressed with merit.

The factual findings of the trial court are set forth in the decision as follows:

"From the testimony of Romeo Fernandez, a prisoner of the said institution, he declared that at about 3:00 o'clock in the afternoon of November 16, 1977, accused Romeo Gutierrez called Danilo Mangaliman who was then at the end of Gate 5-A, saying: "Danny, halika nga rito. Ano ang pinagdaldal mo?" The victim approached the accused Gutierrez who was then near the latrine and answered: "Anong pinagdaldal ko?" Then accused Romeo Gutierrez brought out a sharp pointed instrument and told the victim, "O ano ngayon?" He was followed by Amancio Castillo who was also swinging a sharp pointed instrument. Then accused Gutierrez stabbed the victim. The victim, Danny Mangaliman, ran towards his "kobol" with a stab wound, followed by accused Antonio Juaningo alias Totoy, Joseph Lanuza, Jose Perez, Alfredo Gonzales, Amancio Castillo and Romeo Gutierrez, all of whom were armed with sharp pointed instruments. While the victim was inside his "kobol", the accused were prevented from entering the said "kobol", and accused Romeo Gutierrez told the victim, "Diyan ka na, mauubusan ka ng dugo kung hindi ka lalabas". After one or two minutes, the victim went out of his "kobol" and proceeded to the gate of the brigade. The accused then went to their respective "kobol". "[1]

We have painstakingly reviewed the records, and not a single witness — and certainly not Romeo Fernandez — had testified to the foregoing facts. Indeed, it appears that the only source of the above findings of fact of the trial Court is "Exhibit C", the sworn statement of Romeo Fernandez. Since the affiant himself never took the stand during the trial, his sworn statement is absolutely inadmissible in evidence for being hearsay. The admission of such hearsay evidence and the conviction of the accused on the basis thereof gravely violated their constitutional right to meet their witnesses face to face and to subject them to the rigid test of cross-examination. As we said in an earlier case, "the constitutional right to confrontation precludes reliance on such affidavits. Such a constitutional safeguard cannot be satisfied unless the opportunity is given the accused to test the credibility of any person, who, by affidavit or deposition would impute the commission of an offense to him. It would be to disregard one of the most valuable guarantees of a person accused if solely on the affidavits presented, his guilt could be predicated." [2]

At the trial, the prosecution presented the following witnesses: Prison Officers Vivencio Lahus and Francisco Cometa, Jr., Dr. Pedro Ampil of the NBI, and prisoner Alberto Alvarez. We have scrutinized the testimonies of these witnesses; and we agree with the observation of the Solicitor General that their testimonies did not in any way implicate herein accused-appellants in the commission of the offense.

Accused Renato Santos admitted in open court that he inflicted the mortal injury of the victim. But there is nothing in his entire testimony to even suggest that his co-accused acted in conspiracy with him. Indeed, no evidence whatsoever, direct or circumstantial, can be cited to justify the conviction of appellants.

In its decision, the trial court depre- ciates the defense of alibi put up by appellants. But while alibi often deserves little consideration because it is easily fabricated, we must "emphasize the fact that courts should not at once look with disfavor at the defense of alibi x x x When an accused puts up the defense of alibi the court should not at once have a mental prejudice against him. For, taken in the light of the evidence on record, it may be sufficient to acquit him x x x." [3]

WHEREFORE, the judgment of conviction with respect to Romeo Gutierrez, Antonio Juaningo, Alfredo Gonzales, Amancio Castillo and Joseph Lanuza is set aside and said accused are hereby acquitted of the crime charged. The conviction of Renato Santos is affirmed; but for lack of the necessary votes, the death sentence imposed upon him is hereby reduced to reclusion perpetua. The civil indemnity awarded to the heirs of the victim is increased to P30,000.00. No pronouncement as to costs.

SO ORDERED.

Makasiar, C.J., Teehankee, Abad Santos, Melencio-Herrera, Plana, Gutierrez, Jr., De La Fuente, Cuevas, Alampay, and Patajo, JJ., concur.

Concepcion, Jr., and Relova, JJ., on leave.

Aquino, J., no part.

[1] pp. 2-3, Decision

[2] People v. Lavarez, 23 SCRA 1301

[3] People v. Tabayoyong, 104 SCRA 753; People v. Villacorte, et al., 55 SCRA 640, 655

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