

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. GEORGE RAMIREZ AND FERNANDO BARDAJI, ACCUSED, WHOSE DEATH SENTENCE IS UNDER REVIEW.

G.R. No. 64316. October 31, 1984

Ponente: AQUINO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-64316/>

AQUINO, J.:

This is an automatic review of the death penalty imposed by the Manila Regional Trial Court on George Ramirez and Fernando Bardaji. They were convicted of robbery with homicide and ordered to pay solidarily the heirs of the spouses Epifanio T. Magundayao and Magdalena Hernandez an indemnity of P24,200.

Appellant Bernardo Aboga was convicted of the same offense. Due to his minority, he was sentenced to 12 years and 1 day as minimum to 20 years of reclusion temporal as maximum. He died in prison on November 3, 1983.

Epifanio, 65, and his wife Magdalena, 64, were found dead in the morning of August 23, 1980 at their residence at 1588 General Luna Street, Paco, Manila where they maintained a sari-sari store, called Emans (Exh. Q). Epifanio had nineteen (19) wounds. His wife had thirty-two (32) stab wounds (Exh. B, C, D, F, G and H).

Magdalena's lifeless body was found sprawled on the cemented passageway near her store. Her husband's body was on the second floor. The store and the second floor were in disarray. They had been ransacked. Cash, including the sales of the preceding day, was missing (Exh. O).

There is no doubt as to the corpus delicti. The problem was to ferret out the authors of the crime. After much laborious investigation, the police five days later, or on August 27, secured the extrajudicial confessions of (1) Bernardo Aboga, 17, who finished second year high school; (2) George Ramirez, 22, who reached the fifth grade and (3) Fernando Bardaji, 27, who finished the first grade.

The three Accused are relatives. They all came from Sta. Rita, Samar. When Aboga made his confession, his wife, Filomena Eguillos was beside him (No. 9, Exh. I). Bardaji is married to Rosita Eguillos (Exh. M and N). Ramirez' mother is surnamed Eguillos. The fourth malefactor is Aboga's uncle.

In their confessions, they admitted the robbery with double homicide which was committed late in the evening of August 22, 1980 in Magdalena's store and residence located, as already stated, in Paco after the three and a fourth companion, Florencio Cahipi (at large) had tarried therein drinking beer (Exh. I, J and K). When the other customers had left, they stabbed the victims and robbed them of their valuables. The cash taken was more than P200 (Exh. I).

Aboga was the grandson of Loleng Aboga, the owner of a flower shop located just across the street from the store. The security guard at the Jimburger's House at the corner of Pedro Gil and General Luna Street saw Aboga and his three companions late in the evening of August 22, 1980 coming out of the sari-sari store and boarding a jeepney for Padre Faura Street (Exh. Q).

The confessions were sworn to before Inquest Fiscals Isidro Limaco and Macairog L. de Vega who certified that they personally examined each affiant and that they were satisfied that the affiants voluntarily executed and understood their statements. The three accused then reenacted the crime as shown in nineteen photographs, Exhibits R to R-18.

The confessions consist of two parts both signed by the accused. One part deals with the waiver of the rights to remain silent and to have counsel during custodial interrogation. The other part was a detailed account of the personal circumstances of the accused and the manner in which the robo con homicidio was committed. Thus, Bardaji's confession contains the following waiver (p. 66, Record):

"PAUNANG SALITA: Ang imbestigasyong ito ay tungkol sa pangloloob na may kasamang pagpatay na naganap sa 1588 General Luna Street, Ermita, Manila, noong pagitan ng 10 ng gabi at 8:00 ng umaga, Agosto 22-23, 1980.

"Bago natin ipagpatuloy ang salaysay mong ito ay nais naming malaman mo ang iyong mga karapatan sa ilalim ng ating Saligang Batas.

"01. Tanong: Ang una mong karapatan ay may karapatan kang manahimik o huag sumagot sa mga tanong namin. Naiintindihan mo ba ito? - Sagot: Oho.

"02. T - Ang pangalawa ay may karapatan kang kumuha ng abogado mo upang maipagtanggol ang mga karapatan mo at kung wala kang kayang kumuha ay bibigyan ka namin ng isa. Naiintindihan mo ba ito? S: Oho

"03. T - Karapatan mo rin na malaman mo na ang salaysay mong ito ay maaring gamitin katibayan laban sa iyo o kanino man sa alin mang hukuman dito sa Pilipinas. Naiintindihan mo rin ba ito?-S: Oho.

"04. T - Ngayon malaman mo ang iyong mga karapatan na sinabi namin sa iyo, nais mo bang magbigay ng isang malaya at kusang loob na salaysay at sagutin ng buong katotohanan ang lahat ng aming itatanong sa iyo? - S: Oho.

"05. T - Kahit na wala kang abogado na magtatanggol sa iyong karapatan ay magbibigay ka pa rin ng iyong salaysay? - S: Oho, tuta kasama talaga ako sa pagnanakaw at pagpatay sa dalawang matanda doon sa tindahang maliit sa calle General Luna, sa Paco.

"06. T - Kung gayon ay pipirmahan mo ba ang ilang tanong na ito bilang patotoo na naiintindihan mo ang iyong mga karapatan at kusang loob kang nagsasalaysay sa amin? - S: Oho.

(SGD.) FERNANDO BARDAJI"

"A defendant may waive effectuation of his rights to remain silent and to be assisted by counsel at a custodial police interrogation, provided the waiver is made voluntarily, knowingly and intelligently" (Miranda vs. Arizona, 16 L. ed. 2nd 694).

Counsel de oficio contends in this appeal that the trial court erred in holding that the defendants' extra-judicial confessions were voluntarily given and that they waived their constitutional rights to remain silent and to have counsel.

They claimed that they were maltreated. The trial court made a careful scrutiny of this contention. After enumerating eight circumstances militating against the theory that the confessions were coerced, it concluded that the statements were voluntary acknowledgments of guilt. The trial court did not err in finding that the accused waived their rights under section 20, Article IV of the Constitution.

It cited the ruling made through Justice Barredo that "ang mga karapatan ng mga mamamayan na natatala sa Saligang Batas (sa Bill of Rights) ay hindi mga paraan upang ang isang tunay na may pagkakasala na labag sa

batas ay makaligtas sa nararapat na pagdurusa". ("The constitutional guarantees contained in the Bill of Rights of the Constitution cannot be used as a shield whereby a person guilty of a crime may escape punishment") (Dra-culan vs. Donato, L-46027, September 15, 1978, 85 SCRA 266, 272).

The confession of Ramirez, Exhibit J, deserves special notice. It is not very legible. Patrolman Luis D. Lim typed it single-spaced on two sheets, using both sides of the paper and with a typewriter ribbon that had seen much service. Inquest Fiscal Limaco should have required Patrolman Lim to retype the confession in legible form. The confession as typed was not a credit to him as an investigator. It is not easy to read.

The three confessions are interlocking. Ramirez's complicity was established beyond reasonable doubt by his participation in the reenactment. Even if his confession was totally disregarded, there is the booking and information sheet wherein he admitted the crime. He signed it (Exh. M). At the back of Exhibit M are his fingerprints.

The claim of Bardaji that he did not sign his confession because he is illiterate cannot be given credence. He finished first grade at Barrio Naduleran, Sta. Rita. His five signatures in the confession and his signature in the booking and information report (Exh. N) reveal the great effort required on his part to make the signatures. It can be assumed that Fiscal De Vega, before signing the jurat, made sure that Bardaji signed the confessions.

Counsel de oficio claims that the robbery was not proven. The confessions clearly show that the cause for the double homicide was robbery.

The crime was aggravated by band, abuse of superiority, and nocturnity, treated as a single aggravating circumstance with respect to the homicide. Dwelling was also aggravating as to the killing. But disregard of old age and sex is not aggravating.

The two accused deserve the death penalty but for lack of necessary votes the same is commuted to reclusion perpetua.

WHEREFORE, the trial court's judgment is affirmed with the modification that the civil liability is increased to P30,000 for each victim. Costs de oficio.

SO ORDERED.

Fernando, C.J., Concepcion, Jr., Guerrero, Abad Santos, Melencio-Herrera, Plana, Escolin, Relova, Gutierrez, Jr., De la Fuente, and Cuevas, JJ., concur.

Teehankee, and Makasiar, JJ., no part.

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.