

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. CARLOS CRISANTO, JR. AND CELIA CRUZ, ACCUSED-APPELLANTS.

G.R. No. 65792. March 18, 1985

Ponente: AQUINO, J.

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AQUINO, J.:

Carlos Crisanto, Jr. and Celia Cruz appealed from the decision of the Regional Trial Court of Manila, finding them guilty of murder, sentencing them to reclusion perpetua and ordering them to pay solidarily to the heirs of Aurea Manaig-Hilario damages amounting to P256,272 (Criminal Case No. 47733).

There is no question as to the corpus delicti. Aurea Manaig-Hilario, 38, an employee of the Commission on Audit assigned to the National Library, was stabbed in the back with a balisong knife at about four-quarter in the afternoon of May 21, 1979 while she was inside a jeepney at the intersection of A. Mabini and Vito Cruz Streets, Malate, Manila.

The jeepney had stopped. A man, who had gotten off another jeepney behind, walked towards Aurea, suddenly stabbed her, left the knife stuck on her back (Exh. F), and walked on the right side of Vito Cruz Street. She was rushed to the Ospital ng Maynila. She was dead on arrival thereat (Exh. G-3).

The medico-legal officer found that the single stab wound on the back ten and a half centimeters deep penetrated the left lung and the pulmonary vein (Exh. G). The width of the knife (Exh. F) is compatible with the stab wound.

The extrajudicial confessions of Celia Cruz, 24, and Carlos Crisanto, Jr., 20 (which they repudiated during the trial), show that they were the co-principals by inducement and direct participation, respectively, in the killing of Aurea. Celia was the girl-friend of Cecilio Hilario, a dentist and the husband of Aurea, who used to pay Celia P1,000 a month as support (Exh. A and I).

On the other hand, Celia was also the girl-friend of Ramon Crisanto, 25, who used to get money from her. Accused Carlos Crisanto, Jr. was the first cousin of Ramon who died during the trial. Carlos was induced by Ramon and Celia to kill Aurea who had been keeping the family income. Carlos was paid by Ramon P3,000 to perpetrate the killing. He was promised P5,000 for the job. Celia alleged that she gave Carlos (Chibbot) P5,000 for the killing.

Celia signed her confession in the presence of Ramon Tulfo of Bulletin Today and Bert Ignacio of the Daily Express. It was sworn to before Fiscal Alfredo Cantos (Exh. I). Carlos Crisanto's confession was also sworn to before the inquest fiscal on duty, Fiscal Cantos (Exh. A). The confessions were corroborated by evidence of corpus delicti.

Carlos and Ramon reenacted the crime as shown in the photographs, Exhibits H to H-4. Ramon demonstrated how he approached Aurea as she came out of the National Library so that Crisanto would recognize her. Crisanto demonstrated how he stabbed Aurea.

As evidence for the defense, Crisanto testified that in the afternoon of May 21, 1979 he was taking care of the children of his aunt, Carolina Generoso, at Project 6, Quezon City. He alleged that he signed his confession although its contents were not explained to him nor was he allowed to read it. He denied having stabbed Aurea.

Celia Cruz testified that she signed her confession with "C. Cruz" instead of using her full name because she was being hurried by police officers to sign it. She did not read it. When she started to read it, the police grabbed it and told her not to bother about reading it. She admitted to Fiscal Cantos that her signatures on the confession are her own.

She came to know Doctor Hilario and his wife Aurea because he was the dentist of La Suerte Cigar and Cigarette Company where she worked as a packer. She used to go to Doctor Hilario's clinic in his residence at Pasay City for dental treatment. She denied having received money from Doctor Hilario. He did not court her. She denied being acquainted with accused Carlos Crisanto, Jr. She later married Rodrigo Fletsero. The trial court did not believe the denials of Celia and Crisanto.

Aside from the confessions, the prosecution presented as eyewitnesses the jeepney driver, Feliciano Bolima, and his wife, Rechilda Bolima, who was beside him when the stabbing occurred, and Antonio S. Joaquin, a jeepney passenger. Doctor Hilario admitted that he had sexual relations with Celia. It lasted for two years (10 tsn, Oct. 28, 1982). He used to give Celia P250 a month, sometimes P300 or P350 because she made him happy (11-14 tsn).

Celia Cruz contends that the trial court erred in giving credence to her confession which was allegedly secured through force and intimidation and in gross violation of her constitutional rights. Crisanto makes a similar assignment of error.

There is no merit in these contentions. The factual finding of the trial court that the confessions were freely given should not be disturbed by this Court. The testimonies of Villamor Valdez and Pedro Angulo, Jr., the police officers who took the confessions, deserve credence.

We hold that when Crisanto, a first year college student, and Celia, a fourth year high school student, swore to their confessions, they voluntarily, knowingly and intelligently waived their rights under section 20, Article IV of the Constitution to remain silent and to have counsel. The trial court did not err in admitting the same in evidence (*Miranda vs. Arizona*, 16 L. Ed. 2nd 694, 697; *People vs. Colana*, G.R. No. 62616-18, November 28, 1983, 126 SCRA 23).

The confessions and the testimonial admissions of Doctor Hilario prove the motive for the killing and show conspiracy between Celia and the two Crisantos.

Even if the confessions are disregarded, the testimonies of Joaquin, who sat opposite the victim inside the jeepney, and the jeepney driver and his wife are sufficient to prove the guilt of Carlos Crisanto beyond reasonable doubt.

The killing was attended with treachery. The unexpected stabbing in the back of Aurea exhibits the characteristic features of *alevosia*. The accused employed a mode of execution which insured the killing without any risk to himself since the victim was unprepared and defenseless.

Judge Felix V. Barbers in his 58-page decision did not err in imposing the penalty of reclusion perpetua for the murder.

As to the civil liability, he properly took into account the income which the 38-year-old victim, a government employee, could have earned (*Alcantara vs. Surro*, 93 Phil. 472).

WHEREFORE, the judgment of the trial court is affirmed.

SO ORDERED.

Makasiar, (Chairman), Abad Santos, Cuevas, and Alampay, JJ., concur.
Concepcion, Jr. and Escolin, JJ., took no part.

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