

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
FELICISIMO HERNANDEZ AND CARLOS IMPERIAL,
ACCUSED-APPELLANTS.**

G.R. No. 73603. June 22, 1988

Ponente: GANCAYCO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-73603/>

GANCAYCO, J.

On suspicion by the members of the Integrated National Police of Carmona, Cavite for participation in the distribution and sale of marijuana in the locality, Felicisimo Hernandez and Carlos Imperial, who are both beauticians, were placed under surveillance until they were arrested on July 20, 1984. Marked money of P20.00 in two ten peso (P10.00) bills.[1] were found in the possession of Hernandez while marijuana leaves contained in a matchbox[2] were in the possession of Rizaldy Angcaya, an informer, who allegedly purchased the same from Hernandez.

Upon investigation by the police, both of them admitted in their sworn statements having sold marijuana to Rizaldy Angcaya.[3] Upon examination of the dried leaves contained in the matchbox, they were found to be marijuana.[4]

Thus, in an information that was filed by the Provincial Fiscal of Cavite in the Regional Trial Court of Bacoor, Cavite, they were charged for the violation of Section 4 of Republic Act No. 6425, otherwise known as "The Dangerous Drugs Act of 1972." After arraignment and trial on the merits they were both convicted of the offense charged in a decision of October 15, 1985 and they were sentenced to life imprisonment and to pay a fine of P20,000.00 and the costs.

Only Carlos Imperial interposed this appeal alleging that the trial court committed the following assigned errors:

"A

THE TRIAL COURT ERRED IN ADMITTING THE ALLEGED EXTRA-JUDICIAL CONFESSION OF THE ACCUSED-APPELLANT, SAID CONFESSION BEING INADMISSIBLE BECAUSE IT WAS OBTAINED IN VIOLATION OF THE CONSTITUTIONAL RIGHTS OF THE ACCUSED-APPELLANT.

B

THE TRIAL COURT ERRED IN NOT DECLARING THAT THE GUILT OF THE ACCUSED-APPELLANT WAS NOT PROVED BEYOND REASONABLE DOUBT."

The prosecution relies solely on the extrajudicial confession of appellant admitting his complicity in the commission of the offense. Rizaldy Angcaya, the informer, who was allegedly accompanied by appellant to the house of Hernandez who sold the marijuana leaves to Angcaya, was not presented as a witness by the prosecution. If the confession of appellant is found inadmissible in evidence then the case of the prosecution must fall.

Section 20, Article IV of the 1973 Constitution provides as follows:

"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." (Italics supplied.)[5]

Under the foregoing provisions a person under custodial investigation is entitled to the following rights: (a) the right to remain silent; (b) the right to counsel; and (c) the right to be informed of these rights. An examination of the extrajudicial confession of appellant[6] shows that he was informed of his constitutional right to be silent and of his right to be assisted by counsel during the said investigation. He was also asked if he was waiving his right to be assisted by counsel and he answered in the affirmative. However, this waiver was made without the assistance of counsel.

The clear rule this Court has set is that the right to counsel may be waived but the waiver shall not be valid unless made with the assistance of counsel. Any statement obtained in violation of this procedure, whether exculpatory or inculpatory, in whole or in part, shall be inadmissible in evidence.[7]

The court thus finds that the extrajudicial confession of appellant, Exhibit H, is not admissible in evidence.

WHEREFORE, the judgment appealed from is hereby REVERSED and SET ASIDE and another judgment is hereby rendered acquitting accused-appellant Carlos Imperial with costs de oficio.

SO ORDERED.

Narvasa, C.J. (Chairman), Cruz, Griño-Aquino and Medialdea, JJ., concur.

[1] Exhibits A and A-1.

[2] Exhibits I and 1-1.

[3] Exhibits G and H,

[4] Exhibit D.

[5] Section 12 (1) to (4) of Article III of the 1987 Constitution provides:

(1) Any person under investigation for the commission of an offense shall have the right to be informed of his right to remain silent and to have competent and independent counsel preferably of his own choice. If the person cannot afford the services of counsel, he must be provided with one. These rights cannot be waived except in writing and in the presence of counsel.

(2) No torture, force, violence, threat, intimidation, or any other means which vitiate the free will shall be used against him. Secret detention places, solitary, incommunicado, or other similar forms of detention are prohibited.

(3) Any confession or admission obtained in violation of this or Section 17 hereof shall be inadmissible in evidence against him.

("4) The law shall provide for penal and civil sanctions for violations of this section as well as compensation to and rehabilitation of victims of torture or similar practices, and their families.

[6] Exhibit H.

[7] *People v. Galit*, 136 SCRA 465; *People v. Ramos*, 122 SCRA 768; *Morales v. Enrile*, 121 SCRA 538. This is now so provided for in Section 12 (1) and (3), Article III of the 1987 Constitution, *supra*.

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.