

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. GUILLERMO EGLIPA, ACCUSED-APPELLANT.

G.R. No. 78852. June 05, 1989

Ponente: PARAS, J.

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PARAS, J.:

This is a review of the decision[1] of the Regional Trial Court, Branch XIX in Bacoor, Cavite convicting appellant Guillermo Eglipa of Murder, the dispositive portion of which reads as follows:

"WHEREFORE, foregoing considered, the Court finds accused Guillermo Eglipa GUILTY beyond reasonable doubt of the crime of Murder and there being no mitigating or aggravating circumstances present in the commission of the crime hereby sentences said accused to suffer a penalty of Reclusion Perpetua to indemnify the offended party in the amount of P30,000.00, to pay actual damages of P37,827.30 as funeral expenses and moral damages of P10,000.00 and exemplary damages of P10,000.00 and to pay the cost. Accused is credited with his preventive imprisonment during his confinement in jail." (p. 337, Rollo)

The records disclose, that appellant Eglipa and Rudy Valiente were jointly charges with Murder in an information filed in December, 1982 by the 3rd Assistant Provincial Fiscal of Cavite with the Regional Trial Court of Cavite at Bacoor for the killing of Ricardo Gardeleza, a Minister of the Iglesia ni Kristo, that occurred in Barrio Talaba, Bacoor, Cavite, on August 16, 1982. Rudy Valiente was later released in due course after his acquittal by the Decision of the trial court dated January 21, 1987. (p. 343, Rollo)

The prosecution relied on Gerson Samson to prove the involvement of appellant but the trial court did not give credence to his due to inconsistencies in his testimony. However, the trial court convicted appellant on the basis of his two separate extra-judicial confessions made on April 17, 1982 at the Bacoor Police Station and on September 10, 1982 at the Criminal Investigation Service, Camp Crame, Quezon City. Hence this recourse where the sole issue raised by appellant is the admissibility of his two extra-judicial confessions.

The trial court noted that the extra-judicial confessions of Eglipa were taken without the presence of counsel. But despite the doctrine laid down in *Morales vs. Ponce Enrile*, 121 SCRA 538 and *People vs. Galit*, G.R. No. L-51770, March 20, 1985 viz: "No custodial investigation shall be conducted unless it be in the presence of counsel engaged by the person arrested, by any person on his behalf, or appointed by the court upon petition either of the detainee himself or by anyone on his behalf 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 the procedure herein laid down, whether exculpatory or inculpatory, in whole or in part, shall be inadmissible in evidence." Such requirements were merely considered as "governing guidelines" in future cases. (p. 326, Rollo). Also, it considered the Confessions executed on August 17, 1982 and September 9, 1982 admissible in view of the fact that they were made before April 26, 1983, the date *Morales vs. Ponce Enrile* was promulgated. In other cases, however, where this court was confronted with the same issue of the admissibility of extra-judicial confessions executed earlier than April 26, 1983, this Court declared the extra-judicial confessions inadmissible.

In addition, appellant was able to prove that he was compelled under duress and force to execute the extra-judicial confession on August 17, 1982, to wit:

"Atty. Martin:

Q -

After nine and ten o'clock in the morning of August 18, after you were brought back to the cell was there anything else that happened?

A - No more.

Q - The whole day, the rest of the day on August 18 nothing happened?

A - At about seven o'clock in the evening I was brought out of my cell by Chief Dimaranan.

Q - Was it the same day August 18 in the evening when you were brought by Chief Dimaranan?

A - Yes, sir.

Q - Where were you brought?

A - In his office.

Q - And what happened in his office?

A - He was requesting us to sign that paper, they told me to sign.

Q - Was that paper, which Chief Dimaranan requested you to sign the same paper that you were being forced to sign by Oscar?

Atty. Aguinaldo:

No basis.

COURT: Sustained. Atty. Martin:

Q - What did you say to the request of Chief Dimaranan?

A - I told him that I would sign the document but they should give me first a copy so that I could have it read by my lawyer.

Q - Was there anybody else present in the room when Capt. Dimaranan made the request on you to sign the document?

A - Yes, Sir.

Q - Do you know who were those other persons?

A - I recognized Jerson Samson.

Q - Are you referring to the Jerson Samson the Minister of the Iglesia ni Kristo who testified against you in Court?

A - Yes, sir.

Q - Were there other persons besides Chief Dimaranan and Jerson Samson who were present?

A - Only the two of them.

Q - And did Chief Dimaranan give you a copy of the document he was requesting you to sign?

A - No, sir.

Q - What happened after he did not give you a copy of the document?

A - They told me that I sign it first before they will give me a copy.

Q - Who said that? A - Chief Dimaranan.

Q - Did you then sign after he told you that you should sign first the document before they give you a copy?

A - On that very moment I did not sign.

Q - So what did Chief Dimaranan do after you did not sign?

A - They were forcing me to sign and they were making promises to me.

Q - What were those promises made?

A - They are going to release me if I sign the document.

Q - Who made you that specific promise to have you released if you sign the document?

A - The two.

Q - Referring to Chief Dimaranan and Minister Jerson Samson?

A - Yes, sir.

Q - Did you read the document that you signed before signing it?

A - No, sir, because I could not read. (pp. 9 to 10, *ibid*).

Likewise, appellant testified on how on how he was forced to give his extra-judicial confession on September 10, 1982 as follows:

Q - What happened when Lt. Tabayag asked you whether you killed a Minister of the Iglesia ni Kristo I have nothing to do with it?

A - Be brought me to the comfort room.

Q - What did he do in the comfort room?

A - He was forcing me to admit.

Q - What was he forcing you to admit?

A - About the death of the Minister of the Iglesia ni Kristo.

Q - How many times did he ask you to admit the killing of the Iglesia ni Kristo Minister?

A - Three times.

Q - Did you admit to him that you killed the Minister?

A - No, sir.

Q - What happened after denying or refusing his request that you admit the killing of the Iglesia ni Kristo Minister.

A - He boxed me twice on the side.

Q - Did you admit what he was asking you to admit after he struck you twice?

A - No, sir.

Q - So what happened after you adamantly refused what he was forcing you?

A - He brought me back to his room.

Q - What time was it when he brought you back to his room?

A - More or less one o'clock in the afternoon.

Q - That was what day?

A - More or less Monday.

Q - What happened? What did he tell you at one o'clock the following Monday after he brought you back to his room and he could not force you to admit?

A - He was handing me a piece of paper he wanted me to sign.

Q - What did you say when he gave you some papers which he wanted you to sign?

A - He told me I cannot sign that because I do not know how to read and write and if it was possible I should sign before the Court.

Q - What did he do when you refused to sign the paper?

A - He got it back from me.

Q - Did he try to force you to sign the document after that again?

A - Yes, sir.

Q - That same day?

A - Yes, sir.

Q - What did he say when he attempted to force you to sign again?

A - He told me if it was possible to sign in court because I had no lawyer for me.

Q - Did he start forcing you to sign that paper after that?

A -

Yes, sir.

Q - What did he say this time?

A - He told me that I sign the paper and they will be willing to help me.

Q - What else did he offer to give if you sign the paper?

A - They told me if I will sign the paper I will be detained there instead.

Q - Was he with anybody when he was forcing you several times to sign the document and he promised you if you sign the document?

A – Yes, sir.

Q - Do you know their names?

A - No, sir.

Q -

Why did you want to be confined in the Camp Crame jail instead of the jail in Bacoor?

COURT: Already answered.

Atty. Martin: Did you finally sign what he was asking you to sign after he promised to help you by having you detained in Camp Crame?

A - Because of his insistence that I sign the paper, and his promise to have me detained in Camp Crame I finally signed the document (pp. 11 to 13, tsn., June 11, 1985; Exh. 'J').” (pp.454-457, Rollo)

PREMISES CONSIDERED, finding no other evidence to sustain appellant's conviction, appellant Eglipa is hereby ACQUITTED on reasonable doubt.

SO ORDERED.

Melencio-Herrera (Chairman), Padilla and Regalado, JJ., concur.
Sarmiento, J., on leave.

[1] Penned by Judge Mariano M. Umali

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