

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. REY MANLAPAZ Y MANDO, CESAR MURCIA Y MAGPUSAO, RENATO SANTOS Y APILANES, DEFENDANTS. CESAR MURCIA Y MAGPUSAO, DEFENDANT-APPELL...

G.R. NO. 80179. March 19, 1990

Ponente: MELENCIO-HERRERA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-80179/>

MELENCIO-HERRERA, J.:

In an information, dated 3 December 1981, and filed with the then Court of First Instance of Manila, Branch XXXIII,* Rey Manlapaz y Mando, Cesar Murcia y Magpusao and Renato Santos y Apilanes were charged with Robbery with Homicide committed against the person of one Teodoro Tan y Sia on 13 September 1981. The case was docketed as Criminal Case. No. 81-308. The Trial Court, after hearing, convicted all the accused of the crime charged and sentenced them to suffer reclusion perpetua, aside from other accessory penalties, in a Decision dated 21 February 1981.

During the pendency of the appeal, or on 2 February 1986, Rey Manlapaz escaped from the Ihawig Prison and Penal Farm (Rollo, p. 75). Accordingly, this Court, in a Resolution dated 15 June 1988, dismissed Manlapaz' appeal in view of his aforesaid escape from custody. His case was then remanded to the Court a quo for execution of the judgment against him (Rollo, p. 76).

The other accused, Renato Santos, also escaped from Ihawig on 2 February 1986 but was apprehended and recommitted on 6 February 1986 (Rollo, p. 78). In a letter, dated 21 August 1988, addressed to this Court, Santos requested that his appeal be considered withdrawn and terminated so he could be assigned to a penal colony (Rollo, p. 82). This Court, after earlier directing Santos' counsel de oficio to comment on said request (Rollo, p. 91), issued a Resolution dated 13 March 1989 considering the appeal of Santos withdrawn and terminated and remanding the case to the Court a quo for immediate execution of judgment as against him (Rollo, p. 97). Hence, only the appeal of accused, now appellant, Cesar Murcia, remains pending in this Court for adjudication.

Records indicate that the victim, Teodoro Tan, a Chinese businessman, left his house in the afternoon of 12 September 1981. He was then wearing maong pants, a printed T-shirt and Bally black leather shoes. At about 7:00 in the morning of 13 September 1981, his son, Remy Tan, found him bloodied and lying on the pavement along Muelle de Binondo corner Lavezares Streets, Binondo, Manila. He was immediately rushed to a hospital where he died on 26 September 1981 (Rollo, p. 145). There were no eyewitnesses to the actual killing.

The physical examination conducted on the victim showed that he sustained injuries on the head, eyes, and arm, and fracture of the lower teeth, which injuries could have been caused by fistic blows or by the use of a blunt instrument (Rollo, p. 146). The autopsy report indicated that the victim's death was due to "acute cardiac failure due to massive epidural hemorrhage; peri-orbital hematoma, bilateral; contusion left arm, abrasion left forearm, fracture three lower front teeth contributory" (Rollo, p. 147).

According to Sgt. Reynaldo C. Crame, it was through the help of the underworld grapevine in the Divisoria area that the police were able to establish the identities of the suspects in the case. They were named as a certain "Boy Kulot" and the members of his gang, namely, the three accused Cesar Murcia, herein appellant, Rey Manlapaz and Renato Santos. On 27 or 28 November 1981, the police then raided the house of Rey Manlapaz at 965 Sta. Elena Compound, a squatters' area in Binondo, where the only occupants were the three accused. After they were asked for their names and told that they were suspects in a robbery with homicide case, they verbally admitted their participation. When asked about the personal effects of the victim, Rey Manlapaz took from under a bed the Bally shoes of the deceased and surrendered them to the police. Manlapaz also told Sgt. Crame that their intention was only to steal the money but not to kill the victim. The suspects were then turned over to the Homicide Section. The police were unable to trace the whereabouts of "Boy Kulot."

The prober assigned on the case, Cpl. Fernando Jolongbayan, investigated the three accused on 28 November 1981. Before doing so he apprised them of their constitutional rights, which they signed separate and apart from the body of the Statement itself, and asked them if they were willing to give their statements. Having received affirmative responses, he took down the Statements of Manlapaz and Murcia, in question and answer form (Exhibits "B" and "C"), while Cpl. Balanay took down the statement of Santos (Exhibit "D"). All three admitted their participation in the crime in their respective Statements (Rollo, p. 148), which they subscribed and swore to before the Inquest Fiscal (Rollo p. 158).

The three (3) Affidavits described, in more or less the same tenor, the manner in which the three accused had assaulted the victim and the roles they had respectively played. Thus, appellant Murcia's narration of the incident reads:

"13-T :

Maaari bang isalaysay mo kung ano ang iyong nalalaman tungkol sa pagkasuntok at pagkasipa ninyo doon sa lalaki?

S :

Mga mag-aalas-dose ng madaling araw, September 13, 1981, kami nina Lapaz, Nato at Boy Kulot ay naglalakad sa kalye Lavizares, sa may Divisoria market, Binondo, Manila, nakita po namin iyong mamang iyon na nakasandal sa pader doon sa may Lavizares. Nilapitan ni Boy Kulot iyong Mama. Tumayo ang Mama dahil mukhang lasing. Kakapkapan ni Boy Kulot iyong Mama ay pumalag. Tinawag ako ni Boy kaya sinuntok ko iyong Mama. Pagkasuntok ko ay bumagsak ang Mama. Nagsilapitan iyong tatlo at sinuntok nila at sinipa ang Mama. Noong lamog na ang tao ay tumayo iyong dalawa na si Rey at Nato. Kinapkapan ni Boy iyong Mama. Tapos may ibinigay siyang pera sa akin na ibinigay ko naman kay Lapaz. Binitbit ni Boy ang sapatos ng tao at ibinigay rin ni Boy ang sapatos kay Lapaz. Tapos umuwi na kami at nagtuloy sa Sta. Elena. Binigyan ako ng mahigit na bente pesos. Tapos nag-inuman kami ng GIN-BEER sa basketbolan sa Sta. Elena. Iyan lang po." (Exhibit "C")

During the trial, however, the three accused repudiated their extrajudicial confessions, claiming that they were threatened with harm and, in fact, physically maltreated to force them to signing. Herein appellant Cesar Murcia testified:

Q.

Can you remember what these policemen did at that time when you were asking them what crime you have committed?

A.

Yes, sir.

Q.

What are those things which they did to you?

A.

They brought me inside the jeepney and mauled me.

x x x x x x x x

Q.

Can you tell the court what part of your body was hit when you were mauled inside the jeepney by these two (2) policemen?

A.

My chest (Witness pointing to his chest as well as his abdomen). Here at my back and my head (Witness touching his back and head).

x x x x x x x x

Q.

At the time when you were being mauled by these two (2) policemen, can you remember if they have uttered words . . . ?

A.

Yes, sir.

x x x x x x x x

They told me to admit that I was one of those who killed a Chinaman.

x x x x x x x x

Q.

Where were (sic) brought by these policemen?

A.

Beside Tondo Church, sir.

x x x x x x x x

Q.

When you were brought to that place by these policemen, what happened in that place?

A.

They mauled us again, sir.

x x x x x x x x

Q.

For how long were you mauled by these policemen in that place?

A.

More or less one (1) hour, sir. (TSN, July 18, 1983, pp. 7-12)

Appellant Murcia added that at about 1:00 a.m. of 29 November 1981, he and his co-accused were again mauled, maltreated and coerced to admit the killing of the victim (TSN, July 18, 1983, pp. 9-17). On 30 November 1981, he was given the same treatment by the policemen (TSN, 18 July 1983, pp. 18-24). On 1 December 1981, after repeated mauling and maltreatment, he was finally forced to sign a document that turned out to be an extrajudicial confession (TSN, July 18, 1983, pp. 28-33).

Significantly, in Manlapaz's declarations in open Court, he pointed to appellant Murcia as the victim's killer while at the same time exculpating himself. He said:

ATTY. AGBAYANI:

Q.

Can you explain to the Court the reason why you pointed to a killer in the name of Cesar Murcia?

A.

He was really the one who killed the victim.

COURT:

Q.

When you said that Cesar Murcia was really the one who killed are you referring to the death of this Chinaman where you are being investigated?

A.

Yes, sir.

Q.

And when you mentioned of Cesar Murcia who really killed this Chinaman you are referring to your co-accused Cesar Murcia who is in the courtroom right now?

A.

Yes, sir." (TSN, September 29, 1983 pp. 24-25)

"FISCAL BALLENA:

Q.

As you saw then Cesar Murcia killing the Chinaman was he alone that time?

A.

Yes, sir.

Q.

So does the Court understand therefore from your answer that at the time that you were getting bangus together with Boy Kulot and Jimmy, your companions, namely, Boy Kulot and Jimmy also helped Cesar Murcia killed the victim?

A.

Yes, sir." (TSN, November 21, 1983. pp. 9-10)

A prosecution witness, Alipio Cabalag, also testified that during the incident in question, he was at the corner of Muelle de Binondo tending to some baskets of milkfish belonging to his employer, when he saw four persons pass by him in a hurry. One of them, whom he identified as Rey Manlapaz, bumped him. According to him, Manlapaz was carrying a pair of shoes. He further testified that all four of them came from the direction of Lavezares St. (Rollo, p. 157).

The Trial Court gave no credence to the accused's allegations of torture and maltreatment. It ruled that the testimonial and documentary evidence presented by the prosecution clearly established that the three accused were united in their purpose, intention and execution of the crime (Rollo, p. 157). In arriving at this conclusion, the Trial Court relied mainly on the extrajudicial confessions of the accused (Rollo, p. 158) after holding that they were voluntarily executed (Rollo, pp. 16-25). It observed that the accused did not complain about their alleged ill-treatment and that if such were the fact, specially for the length of time they contended, they would surely have suffered severe injuries. The Court also noted what it claimed to be the interlocking confessions of the accused containing details of how the crime was committed which could have been supplied by them alone (Rollo, p. 168).

On appeal to this Court, appellant Murcia assigns the following errors:

I

THE TRIAL COURT ERRED IN FINDING THAT THERE WAS CONSPIRACY AMONG THE THREE ACCUSED IN THE COMMISSION OF THE CRIME.

II

THE TRIAL COURT ERRED IN APPRECIATING THE EXTRAJUDICIAL CONFESSIONS OF THE THREE ACCUSED WHICH WERE PREPARED BY THE POLICE AGAINST THEIR WILL, WITHOUT THEIR KNOWLEDGE OF THE CONTENTS THEREOF AND THEY SIGNED THE SAME AFTER THEY WERE ALL MALTTREATED BY THE POLICE INVESTIGATORS AND WHICH THEY PROCURED AT

A TIME WHEN THEY HAD NO COUNSEL.

III

THE TRIAL COURT ERRED IN APPRECIATING AGAINST ACCUSED MURCIA THE TESTIMONY OF REY MANLAPAZ THAT IT WAS CESAR MURCIA WHO KILLED THE VICTIM AS HE WAS PRESENT AT THE TIME OF THE INCIDENT ACCUSED MURCIA NOT HAVING THE CHANCE TO CROSS-EXAMINE HIS CO-ACCUSED MANLAPAZ.

IV

THE TRIAL COURT ERRED IN FINDING THAT THE EVIDENCE OF THE PROSECUTION IS CREDIBLE, TRUSTWORTHY AND PROPERLY SUBSTANTIATED WHILE THAT OF THE ACCUSED ARE OF DOUBTFUL VERACITY AND COULD NOT WITHSTAND A CLOSE AND CAREFUL SCRUTINY.

In lieu of an Appellee's Brief, the Solicitor General submitted a Manifestation seeking the reversal of the Trial Court's judgment and the acquittal of herein appellant on the principal ground that the extrajudicial confessions of appellant and his co-accused are inadmissible in evidence because [1] they were taken during in-custody interrogation without the presence or assistance of counsel in violation of Section 20, Article IV of the 1973 Constitution, which is applicable in the instant case (Rollo, p. 207); and [2] they were procured through force and intimidation and the prosecution did not present evidence to rebut the allegations of torture and maltreatment (Rollo, p. 209). With regard to appellant's implication by his co-accused Manlapaz in his testimony, the Solicitor General agreed with counsel de oficio that the testimony cannot be taken against appellant Murcia since he was not able to cross-examine his co-accused (Rollo, pp. 211-212).

We do not share the Solicitor General's position that the extrajudicial confessions of appellant Murcia and his co-accused were taken through force and intimidation. Considering the duration of the period that they were allegedly repeatedly and continuously subjected to physical abuse, they certainly would have sustained serious physical injuries. But they never complained even to the Inquest Fiscal before whom they subscribed and swore to their respective statements, nor did they submit any medical certificate proving injuries. Moreover, the confessions are replete with blow-by-blow accounts of how the victim was pummelled by fistic blows, kicked and mauled, and how they took the victim's personal effects and divided the cash. Except for minor variations, they contained similar narrations in their essential details of the circumstances surrounding their respective participations in the commission of the crime. Only the accused themselves could have particularized those details. They could not have been fabricated by police investigators.

We are one with the Solicitor General's submission, however, that the extrajudicial confessions of appellant Murcia and his co-accused are inadmissible in evidence in view of the constitutional ban on un-counselled confession. It is a fact that those confessions were taken during in-custody investigation. The accused, although apprised of their constitutional rights, which they signed immediately below the information thus given (Exhibits "B," "C" and "D"), were not assisted by counsel, nor did they waive their rights to one. The 1973 Constitution, which governs in this case, explicitly provided that 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; and that any confession obtained in violation thereof shall be inadmissible in evidence (Sec. 20, Article IV). *Morales vs. Enrile*, (G.R. No. 61016, 26 April 1983, 121 SCRA 538), *People vs. Galit*, (G.R. No. 51770, 20 March, 1985, 135 SCRA 465), and *People vs. Albofera, et al.*, (G.R. No. 69377, 20 July 1987, 152 SCRA 123) are among the leading cases that have unflinchingly applied this constitutional edict. They have consistently ruled that "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." That ban on un-counselled confession continues with more emphatic force and effect under the 1987 Constitution.

It follows that appellant Murcia's extrajudicial confession, mainly relied upon by the Trial Court, cannot be the basis of his conviction.

No other evidence points to Murcia's guilt. The testimony of Alipio Cabalag that he had seen Manlapaz running and carrying a pair of shoes in the early morning of 13 September 1981 refers to Manlapaz alone as said witness was unable to identify the other companions. The declaration of Sgt. Crame to the effect that Manlapaz took from under a bed the Bally shoes belonging to the victim and handed it to said officer during the raid at his squatter's abode, again pinpoints only Manlapaz. The finding of conspiracy by the Trial Court can no longer hold in the face of the non-admissibility of the extrajudicial confessions. And as to Manlapaz' testimony that he was at the scene of the crime and saw appellant Murcia kill the victim in the company of two other companions, suffice it to state, as counsel de oficio and the Solicitor General do, that said testimony should be disregarded as hearsay evidence and, therefore, inadmissible because the defense counsel, who was representing the three accused in the lower Court, was admonished by the Trial Judge not to proceed with the cross-examination by reason of "unethical implications."

For failure of appellant Murcia's extrajudicial confession, relied upon by the Trial Court, to satisfy the constitutional guaranty of right to counsel during custodial investigation, the Court is left with no alternative but to absolve him from criminal liability.

WHEREFORE, the judgment of conviction by the Regional Trial Court of Manila, Branch XXXIII, in Criminal Case No. 81-308, is hereby SET ASIDE and another entered acquitting accused-appellant, Cesar Murcia, on reasonable doubt, of the crime with which he has been charged. Costs de oficio.

SO ORDERED.

Paras, Padilla, Sarmiento, and Regalado, JJ., concur.

* Presided by Judge Felix V. Barbers.

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.