

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. DANTE ALEGRIA Y ARANA, JOHN DOE, ALIAS “KALBO”;; ACCUSED, GENEROSO LABUAC Y BERBASA, FRANCISCO BUENAFLOR Y UMADHAY, ACCUSED-APP...

G.R. No. 80764. September 28, 1990

Ponente: CRUZ, J.

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CRUZ, J.:

In the late afternoon of July 25, 1984, a security guard was found dead in the premises of the Warebank Phil., Inc., in Tondo, Manila, where he was working. There were sixteen stab wounds in his body which had caused “cardio-respiratory arrest due to shock and hemorrhage,” as the autopsy later disclosed. His name was Antonio Corporal.

One month later, an information for his murder was filed against Generoso Labuac, Francisco Buenaflor, Dante Alegria, and one John Doe, alias “Kalbo,” the last-named being then (and up to now) at large. Alegria died in the course of the trial and the charge against him was dismissed. Trial proceeded only against Labuac and Buenaflor, who were both eventually convicted and sentenced to life imprisonment and civil damages in the sum of P40,000.00.[1] We deal only with these two in this appeal.

The lower court found that on the above-mentioned date, the four accused agreed to enter the compound of Warebank to steal empty bottles. However, they were seen by Corporal, who was then on duty. Corporal hit Labuac with his shotgun, but Kalbo wrested the weapon from the guard, who then drew his knife. For some reason, this was also snatched from him, this time by Labuac who stabbed the guard three times, then gave the knife to Buenaflor, who continued to stab Corporal. The three then scaled the wall and escaped. Alegria, who was outside the compound at the time, fled with them.

These findings were based on the sworn statements[2] taken from Labuac, Buenaflor and Alegria, and the testimonies of the prosecution witnesses, principally Alex Sto. Domingo and Perla Balde, who both declared that they saw Buenaflor carrying Corporal's shotgun.[3] PC T/Sgt. Gregorio Gener, who took the sworn statement of Labuac, and PC Sgt. Josefino Rey, who took the sworn statements of Buenaflor and Alegria, both swore that the affiants were informed of their constitutional rights and freely confessed their participation in the murder of Corporal.[4]

Alegria, Buenaflor and Labuac took the witness stand and denounced their supposed confessions as having been taken from them through threats and violence. Buenaflor testified that he and Alegria were tied, blindfolded and manhandled. He said he was forced to sign a paper when a .45 cal. gun was poked at his mouth. He was not informed of his constitutional rights nor was he represented and assisted by counsel. Moreover, he did not understand, nor was he shown the contents of, the document he was forced to sign. Alegria testified that when he was arrested, he was tied and mauled. He said he did not give any statement but was made to sign a paper the contents of which were not shown to him. Labuac claimed he was subjected to blows and forced to confess. He

denied the sworn statement and signature attributed to him.

In addition, they all pleaded alibi, insisting they were far away from the scene of the crime when it was committed.

In refutation, the prosecution stressed that the confessions were obtained in faithful compliance with the constitutional requirements. Both Gener and Rey testified that no compulsion was exerted upon the accused when they freely gave their respective confessions. This was evident in the documents themselves, which opened with the following respective statements:

01. Tanong: Francisco Buenaflor, ikaw ay naririto sa aming tanggapan dahil sa isang usapin nguni't bago kita tanungin ay nais ko munang ipabatid sa iyo and iyong mga karapatan sa ilalim ng ating binagong Saligang Batas tulad ng mga sumusunod:

Karapatan mong manahimik pagka't anuman ang iyong sabihin ay maaaring gamiting ibedensiya pabor man o laban sa iyo sa alin mang hukuman dito sa Pilipinas. Karapatan mong kumuha ng abogado na papatnubay sa iyo habang ikaw ay aking tinatanong at kung hindi mo kayang bumayad ay mayroon abogado ang opesinang ito na libre. Ang sasabihin mo kusang loob hindi ka pinilit o pinangakuan ng pabuya bilang kapalit ng iyong mga sasabihin at ang lahat ng iyong mga sasabihin ay pawang katotohanan lamang. Ang lahat ba ng ito ay iyong nauunawaan?

Sagot: Opo.

02. Tanong: Kailangan mo pa ba ang paglilingkod ng isang abogado?

Sagot: Hindi na po.

03. Tanong: Nangangako ka ba na ang lahat ng iyong mga sasabihin ay pawang katotohanan lamang?

Sagot: Nangangako po ako.[5]

x x x

KASULATAN

AKO, Jerry Labuac, na nakalagda sa ibaba ay napaghihinalaan sa pagpatay sa guwardiya ay napaalalahanan gaya ng mga sumusunod: May karapatan akong manahimik; May karapatan akong huwag magbigay ng aking salaysay; May karapatan akong kumuha ng aking sariling Abogado at kung wala ay bibigyan ako dito, ngunit ako'y magtatapat at di ko na kailangan pa ang tulong ng sino mang Abogado; Alam ko rin na ang lahat ng sasabihin ko dito ay maaaring gamitin laban o' pabor sa aking depensa sa alin mang Hukuman sa Kapuluan. Na ako'y di tinakot, sinaktan o' pinilit sa pagbibigay ko ng salaysay ko dito at bilang patotoo ay inilagda ko ang aking pangalan sa ibaba nito.

(SGD.) GERRY BERBASA[6]

x x x

01. Tanong: Bago kita tanungin, Dante Alegria ay nais ko munang ipaalam sa iyo ang iyong mga karapatan sa ilalim ng ating Binagong Saligang Batas tulad ng mga sumusunod;

Karapatan mong manahimik pagkat anuman ang iyong sasabihin ay maaaring gamiting ibedensiya (sic) pabor man or laban sa iyo sa alin mang hukuman dito sa Pilipinas, Karapatan mong kumuha ng isang abogado na papatnubay sa iyo habang ikaw ay aking tinatanong, Na, ikaw ay hindi pinilit, tinakot o pinangakuan ng pabuya bilang kapalit ng iyong sasabihin, at nangangako ka na ang lahat ng iyong sasabihin ay pawang katotohanan lamang ang lahat ba ng aking sinabi ay iyong nauunawaan?

Sagot: Opo.

02. Tanong: Kailangan mo pa ba ang paglilingkod ng isang abogado?

Sagot: Hindi na po pagkat kayo ko namang sagutin ang iyong mga itatanong.[7]

The Court is familiar with such statements and has consistently found them invalid. They do not persuade that the accused was fully and fairly informed of his rights in the sense that they were each painstakingly explained to him and he was apprised of the effects of their waiver or forfeiture. Such statements are especially unacceptable where they are made by persons of limited education, and more so if no counsel was at hand to assist and advise him.

In the case at bar, Labuac was hardly literate, not even having finished Grade 1, and, like Buenaflor and Alegria, was not represented by counsel. While there was a lawyer who was allegedly called to be present at their interrogation, he did not actively assist and advise them, being there merely to give a semblance of legality to the proceedings. There is nothing in the record to show that the lawyer made a single manifestation or representation on behalf of the person he was supposed to protect against any possible abuse of the investigators.

The right to the assistance of counsel is one of the basic rights of the person under investigation for the commission of an offense. Lawyers are supposed to be well-versed in the intricacies of criminal proceedings with which the ordinary layman, not to mention the uneducated suspect, is not familiar. Without a lawyer's advice and active representation, the suspect is likely to be ensnared into making damaging admissions the legal significance of which he may not understand or realize. The lawyer is required to be there to prevent the suspect from making rash statements that may later be used against him at the trial. The lawyer is required to be there to see to it that the investigation is conducted in accordance with the Constitution, without the employment of violence, force, intimidation or threat, or any other means vitiating the free will. So vital is this right that where the suspect cannot afford the services of counsel, he will be provided with one for free. Any confession obtained from a suspect in the absence of counsel and without his assistance shall be inadmissible in evidence against him. The only exception is where the right to counsel is categorically waived and such waiver is made in writing and in the presence of counsel.

The sworn statements signed by Buenaflor on August 28, 1984, by Labuac on August 29, 1984, and by Alegria on August 28, 1984, showed that they had been taken only in the presence of P/Cpl. David Maravilla, P/Cpl. Jesus Ordinario, and P/Sgt. Jaime Esidera, respectively. Sgt. Rey merely testified that P/Lt. Macario Cendaña, a lawyer, was present when Buenaflor and Alegria supposedly waived their right to counsel.[8] The lawyer who was supposed to have advised and assisted Labuac was P/Lt. Macario Z. Sembrano, the same person who took their oaths and certified that he was "satisfied" that the statement were freely and knowingly given.[9] Significantly, these lawyers appear to be members of the police organization investigating the suspects and, no less remarkably, were not presented as witnesses to authenticate the confessions. It is also noteworthy that Gener admitted on the stand that he had prepared Labuac's statement in advance and that Labuac had merely signed it later.

The sworn statements are invalid on their face, but they become even more questionable when viewed against the allegations of the affiants that they had been manhandled into signing the supposed confessions. It is true that the accused-appellants did not present any medical evidence of the injuries inflicted upon them nor did they complain to the prosecutor when they were brought before him. It would seem, though, that the continuing threat exerted upon them by the police, coupled with the fact that they were and would remain under its detention, was enough to deter them from making any complaint at that time.

The Court finds that the conviction of the accused-appellants by the trial court is based mainly on the supposed confessions despite their obvious invalidity. We agree with the Solicitor General that they are void and should have been regarded as inadmissible evidence against both Labuac and Buenaflor.[10] They are so rejected now,

and with a sharp reprimand for those police officers who took them without according the affiants the right to the assistance of counsel as guaranteed by the Bill of Rights. The charges of alleged maltreatment of the accused-appellants while under the custody of the police are hereby referred to the Commission on Human Rights for appropriate action.

Take away the "confessions" and what does the prosecution have? The Solicitor General concedes that the charge against Labuac should be dismissed and his conviction reversed because of insufficiency of the evidence linking him to the murder of Corporal. We agree. But in the case of Buenaflor, the People submit that the testimonies of Sto. Domingo and Balde should suffice to convict the accused-appellant as one of the killers of Corporal. We disagree.

Sto. Domingo and Balde merely testified that they saw Buenaflor carrying Corporal's shotgun on the occasion and in the premises of the killing. Neither saw Buenaflor stab Corporal; neither, in fact, saw the killing of Corporal. No eyewitnesses were presented. All Sto. Domingo and Balde said was that they saw Buenaflor in the Warebank compound with the slain man's rifle. From this declaration, which by itself proves nothing, the conclusion is drawn that Buenaflor fatally stabbed Corporal. We think the connection is tenuous.

The only way to hold Buenaflor liable for the killing of Corporal even if there was no eyewitness to the fatal stabbing is to establish a conspiracy among the co-accused. But no such conspiracy has been proved among the co-accused by the remaining evidence of the prosecution, which cannot now include the extrajudicial confessions. We are exonerating Labuac. Alegria is dead and the charge against him has been dismissed. The man known only as Kalbo has yet to be apprehended and tried. Conspiracy cannot be found on the basis alone of the extrajudicial confessions of the accused-appellants and Alegria which we have all rejected as coerced and therefore invalid.

It follows that Buenaflor should also be acquitted, likewise for the insufficiency of the evidence against him. His alibi may be weak, but the prosecution evidence is even weaker and cannot prove his involvement in the slaying of Corporal. It is true that Buenaflor was positively identified by Sto. Domingo and Balde, but not as the person who actually stabbed and killed Corporal. Buenaflor was identified only as the person they saw holding a shotgun, but that is not enough to convict him of murder. That kind of circumstantial evidence cannot overcome the constitutional presumption of innocence in favor of the accused. Like Labuac (who enjoys the added advantage that he was not seen at the scene of the crime), Buenaflor entitled to be cleared on the ground of reasonable doubt.

We commend the Solicitor General for his zeal and conscientiousness in protecting the accused-appellants from the evils of the coerced extrajudicial confession, over which this Court has repeatedly expressed special concern. It can never be stressed too strongly that the law-enforcement officers should be the first to obey the law they are sworn to protect and that even a sincere desire to insure its observance is no justification for them to violate it themselves in the name of duty.

It is quite possible that Labuac and Buenaflor did participate actively in the slaying of Corporal, but the evidence of the prosecution cannot sustain such conclusion. In the absence of proof beyond reasonable doubt that they murdered Corporal, it must be presumed that they did not.

WHEREFORE, the appealed decision is REVERSED and SET ASIDE, and the accused-appellants are ACQUITTED.

Let a copy of this decision be sent to the Commission on Human Rights.

SO ORDERED.

Narvasa, (Chairman), Gancayco, Griño-Aquino, and Mediladea, JJ., concur.

- [1] Through Judge Remigio E. Zari.
- [2] Exhibits "B," "E" and "F," Folder of Exhibits, pp. 2, 7 and 9.
- [3] TSN, December 18, 1984, p. 5; *ibid.*, March 26, 1985, p.3.
- [4] TSN, February 6, 1985, pp. 3, 8; February 19, 1985, pp. 11, 12.
- [5] Exhibit "E," Folder of Exhibits, p. 7.
- [6] Exhibit "B," *ibid.*, p. 2.
- [7] Exhibit "F", *Id.*, p. 9.
- [8] TSN, February 19, 1985, p. 12.
- [9] TSN, February 6, 1985, pp. 5, 10.
- [10] Rollo, p. 70; Manifestation in Lieu of Appellee's Brief, p. 45.

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