

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ALFREDO ALCANTARA Y GACAD, ACCUSED-APPELLANT.

G.R. No. 91283. January 17, 1995

Ponente: PUNO, J.

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PUNO, J.:

This is the plight of a poor man with only a third-grade education. He was illegally arrested, [1] arbitrarily detained, [2] tortured into confessing his guilt, convicted of the crime of robbery with homicide and sentenced to reclusion perpetua. Insisting that his guilt was not established with moral certainty, he appeals his conviction to this Court. We find merit in his cause.

On September 7, 1988, appellant was arraigned under an Information, dated August 10, 1988, charging him and four others with the crime of "Robbery with Homicide and Frustrated Homicide." [3] Appellant pleaded not guilty. The other accused remained at large.

Trial ensued. The prosecution evidence showed that Dr. Remedios Patricio owned a ten-wheeler truck with Plate Number NFS 230 which was used in her hauling business. Her brother-in-law, Venancio Patricio, worked for her as truck driver. In the morning of July 19, 1988, Venancio, accompanied by helper Larry Salvador, drove the truck to the Coca-Cola plant in Antipolo. There, it was loaded with six hundred (600) cases of softdrinks (Coke 500) for delivery to the Coca-Cola sales office in Makati. [4]

They were about to leave the Antipolo plant at ten o'clock that night when appellant approached Salvador to hitch for a ride. After ascertaining that Salvador knew appellant, Venancio accommodated appellant's request. Appellant had four (4) companions. As Venancio drove, appellant and Salvador engaged in animated conversation. Salvador did not introduce appellant to Venancio. [5]

Near the Meralco building at Ortigas Avenue, appellant poked a gun and grabbed the steering wheel from Venancio. [6] Venancio and Salvador were then tied up by appellant's companions, and made to lie on the back seat of the truck. Appellant drove the ten-wheeler to the North Diversion Road where they stopped. Venancio and Salvador were brought down from the vehicle, and tied to the fence of the expressway. Appellant talked to two (2) of his companions who thereafter stabbed Venancio and Salvador. Appellant's group drove away, leaving Venancio and Salvador bleeding to death. [7]

With his last ounce of strength, Venancio managed to free himself and struggled towards the road. There, he was spotted by CDCP patrolmen who brought the two (2) victims to the MCU hospital. Salvador, who suffered two (2) stab wounds, [8] was dead upon arrival. Venancio was luckier, and survived to tell his tale. [9]

The hijacked ten-wheeler was found abandoned along the southbound lane of the North Diversion Road, between the Malinta and Valenzuela exits. Members of the Constabulary Highway Patrol Group arrived on the scene at around 2:30 a.m. of July 20, 1988, and found the truck's 600-case cargo intact. Two (2) members of the group proceeded to the MCU hospital, but desisted from getting any information from Venancio who was then

undergoing emergency treatment. [10]

On July 25, 1988, operatives of Precinct 10 of the Western Police District arrested appellant in the vicinity of Otis Street in Pandacan, Manila. A few days later, he was turned over to the Constabulary Highway Patrol Group. CHPG Sgt. Alberto Awanan brought appellant to the MCU hospital and was presented to Venancio for identification. [11] According to Sgt. Awanan, Venancio nearly fainted and exclaimed, "Iyan, iyan ang umagaw ng manibela ko," [12] upon seeing appellant. The act of Venancio pointing to appellant as the culprit was photographed. [13]

After the confrontation, appellant was brought to the CHPG Headquarters at Camp Crame. He wilted under interrogation and confessed his participation in the crime. This is evidenced by two (2) statements, both dated July 29, 1988, duly signed by him. [14]

Dr. Patricio testified she spent P28,377.00 for the hospitalization of Venancio and P25,897.90 for the hospital and funeral expenses of Salvador. Dr. Alberto Reyes, medico-legal officer of the NBI, testified on the autopsy he conducted on the body of Salvador. On the other hand, Dr. Henry Falcotelo, resident physician of the MCU Hospital, testified on the stab wound sustained by Venancio.

On August 15, 1988, [15] "Robbery with Homicide and Frustrated Homicide" charge was filed against appellant with the Pasig Regional Trial Court, and the case was raffled off to Branch 156. [16]

Appellant's defense consisted mainly of denial and alibi. He testified that on the morning of July 19, 1988, he went to the Coca-Cola plant in Otis Street, Pandacan, Manila, in search of work as a driver. He stayed put even after he was told that there was no work available. He wanted to find out from truckers returning from the Coca-Cola plant in Antipolo whether drivers were needed there. [17] Until July 21, 1988, he remained in the vicinity of Otis Street, especially around the area where the delivery trucks of the plant are parked. [18] During his three-day stay in the area, he mingled with other drivers and truck helpers, and slept either in parked trucks or on the branches of a nearby camachile tree. [19] On the afternoon of the third day, though still without work, he decided to go home to Cavite. [20]

On July 25, 1988, he returned to Pandacan, this time with the intention of applying to Concepcion Trucking located across Otis street from the Coca-Cola plant. [21] He arrived at nine o'clock in the morning. While eating at the plant, he was arrested by members of the Western Police District and brought to its Precinct 10. He denied any knowledge of the "hit" on the Coca-Cola delivery truck. He remained in the custody of the police for two days and two nights. On the third day of his detention, he was turned over to the Constabulary Highway Patrol Group. [22]

Appellant was then brought to the MCU hospital. He was made to confront Venancio whom he saw for the first time. CHPG Sgt. Awanan asked Venancio twice if appellant was among those who hijacked the truck he was driving. On both times, Venancio did not respond. [23]

Undaunted, Sgt. Awanan called to a photographer present, forced appellant to stand about a foot from Venancio, and told the latter to just point at the suspect. "Basta ituro mo na lang," Sgt. Awanan directed. Venancio obeyed, and pictures of him pointing to the suspect were taken. [24]

From the hospital, appellant was brought to the Constabulary Highway Patrol Group headquarters at Camp Crame. Without being apprised of his rights nor provided with counsel, he was interrogated and urged to confess his guilt. He balked. At ten o'clock that night, hours after the questioning began, appellant's interrogators started boxing and kicking him. He was also hit on the back with a chair, and electrocuted. Still, he refused to admit to the crime. [25]

In the midst of his ordeal, appellant heard someone say, "Tubigan na iyan." He was then blindfolded and brought to another room where he was made to lie down. Water was slowly and continuously poured on his face, over his mouth. As time passed by, appellant felt like he was dying. [26]

Appellant could no longer bear the pain caused by the water treatment. Finally, he confessed to being one of the hijackers. His torture ended. He was led to another room, where he was handcuffed and left until the following day, July 29, 1988. Later, he was made to sign prepared statements containing his full confession. [27]

At the close of trial, accused was found guilty and sentenced as follows:

"IN VIEW OF ALL THE FOREGOING, the Court finds the accused ALFREDO ALCANTARA y GACAD guilty beyond reasonable doubt of the crime of "robbery with homicide" under Article 294 (1) of the Revised Penal Code and hereby sentences said accused to suffer the penalty of reclusion perpetua with all its accessory penalties, to indemnify the heirs of Larry M. Salvador in the amount of P30,000.00, to pay Venancio Patricio the sum of P20,000.00 as moral damages, to pay Mrs. Remedios Patricio the further sum of P54,275.21 by way of reimbursement of the hospitalization expenses of Venancio Patricio and burial and other related expenses for Larry M. Salvador and the additional sum of P15,000.00 for the repair of her truck, all without subsidiary imprisonment in case of insolvency and to pay the costs.

"In the service of the sentence, the accused shall be credited in full with the period of his preventive imprisonment."

"SO ORDERED."

The trial court held:

"xxx xxx xxx

"xxx Venancio Patricio's categorical declarations that it was accused who grabbed from him the steering wheel of the truck and urged his two (2) companions to stab him and his helper companion resulting in the death of the latter and thereafter, took the truck, are entitled to far more credence than the accused's denial and uncorroborated defense of alibi.

"It cannot be gainsaid that alibi is a weak defense. In the face of Venancio Patricio's positive identification of accused as one of the perpetrators of the crime, the alibi dwindles into nothingness xxx. True enough, Venancio Patricio failed to pinpoint the accused when he first testified in Court but it was due to the fright and the blurredness of vision which the said witness was suffering at that time. However, when he regained his emotional composure, he readily identified the accused when asked by the prosecuting fiscal during the continuation of his testimony. Besides, accused was previously identified by the same witness when the former was presented to him while in the hospital. Furthermore, the same witness was familiar with the accused having previously seen him at the Manila Coca-Cola plant in Otis and ridden the truck he was driving.

"The same conclusion is reached even if the Court disregards the in-custody confession of the accused for being patently violative of the mandate of the Constitution. The confession was extracted as a result of torture, intimidation, force, threats, violence and coercion upon the person of the accused and without the assistance of counsel. However, accused's conviction is not solely based on said forced confession but on the strength of the remaining evidence of the prosecution which is more than sufficient to warrant a finding of guilt.

"Accused acted in concert with his cohorts in perpetrating the crime of robbery with homicide and frustrated homicide. For evidence of conspiracy to be clear and convincing, it is not essential that there be eyewitnesses testifying to the actual conversation, agreements and acts of the accused as they conspired together to commit the offense xxx. Conspiracy can also be established from the various circumstances surrounding the commission of the offense xxx or from a number of facts done in pursuance of a common unlawful purpose xxx.

"xxx xxx xxx

"As all the elements of robbery, namely, intent to gain, unlawful taking of personal property belonging to another and violence against or intimidation of any person (Article 293, Revised Penal Code) have been duly proved in the instant case, the crime committed is robbery complexed with homicide (the death of Larry Salvador) and frustrated homicide (committed against Venancio Patricio, who sustained a stab wound at the third intercostal space of the ribs and which stab wound was serious enough to have produced death were it not for the prompt and skillful medical treatment extended him.) However, in line with the pronouncement of the High Court in *People vs. Alvares, et al.*, G.R. No. 70446, promulgated on January 31, 1989, the frustrated homicide committed against Venancio Patricio as well as the killing of Larry M. Salvador should be merged in the composite, integrated whole, that is robbery with homicide, it being evident that the killing and the frustrated homicide were perpetrated with the sole end in view of eliminating opposition to the robbery or suppressing the evidence or both. xxx" [28] (Citations omitted)

It is this conviction that is the subject of the present appeal.

We find reasonable doubt in appellant's guilt. We reverse.

In the case of *People vs. Dramayo*, 42 SCRA 59, 63 (1971), this Court held, viz.:

"xxx (T)he starting point is the presumption of innocence. So it must be, according to the Constitution. That is a right safeguarded xxx appellants. Accusation is not, according to the fundamental law, synonymous with guilt. It is incumbent on the prosecution to demonstrate that culpability lies. Appellants were not even called upon then to offer evidence on their behalf. Their freedom is forfeit only if the requisite quantum of proof necessary for conviction be in existence. Their guilt must be shown beyond reasonable doubt. To such a standard, this Court has always been committed. There is need, therefore, for the most careful scrutiny of the testimony of the state, both oral and documentary, independently of whatever defense is offered by the accused. Only if the judge below and the appellate tribunal could arrive at a conclusion that the crime had been committed precisely by the person on trial under such an exacting test should the sentence be one of conviction. It is thus required that every circumstance favoring his innocence be duly taken into account. The proof against him must survive the test of reason; the strongest suspicion must not be permitted to sway judgment. The conscience must be satisfied that on the defendant could be laid the responsibility for the offense charged; that not only did he perpetrate the act but that it amounted to a crime. What is required then is moral certainty."

A thorough reading of the records of the case shows that the people's evidence fails to meet the quantum required to overcome the constitutional presumption of innocence. Thus, regardless of the weakness of appellant's defense of denial and uncorroborated alibi, he is entitled to an acquittal.

First, we do not agree with the trial court that appellant was positively identified as the perpetrator of the crime at bench. Indeed, in his direct testimony on November 21, 1988, Venancio failed to identify appellant in open court, and actually pointed to another person as the suspect, viz.:

"Q: What is your occupation, Mr. Witness?

"A: A driver, sir.

"Q: Who is the owner of the vehicle that you are driving?

"A: Dra. Remedios Patricio, sir.

"Q: Since when had you been driving the vehicle of Dra. Patricio?

"A: Since 1985, sir.

"Q: When you said since 1985, are you telling the Court until now you are a driver?

"A: Until the time when we were hijacked. But as of now, I could not drive anymore.

"Q: Will you please tell the Court the description of the truck of the vehicle you were driving for Dra. Patricio till the time you said you were hijacked?

"A: Plate No. NFS 230, sir.

"Q: Will you please tell the Court how big is the truck?

"A: The body is 32 feet, sir.

"Q: What was it used for?

"A: For hauling Coca-Cola, sir.

"Q: Where did you get Coca-Cola?

"A: From Antipolo plant in Sumulong highway, sir.

"Q: Do you remember where you were on the night of July 19, 1988?

"A: We were in Antipolo and we hauled Coca-Cola, sir.

"Q: Were you able to haul Coca-Cola?

"A: Yes, sir.

"Q: What else happened after you hauled Coca-Cola?

"A: We were supposed to deliver that Coca-Cola to Makati sales office, sir.

"Q: Were you able to deliver that Coca-Cola bottles to Makati?

"A: No, sir.

"Q: Why?

"A: Because something happened, sir.

"Q: What happened?

"A: We were hijacked, sir.

"Q: You said you were hijacked. What do you mean?

"A: They poked something on us and they grabbed the manibela, sir.

"COURT: How many poked something on you?

"A: Two, Your Honor.

"Fiscal: Who were these people who poked a gun on you?

"A: I only know one of them, sir.

"Q: Who is that person you know?

"A: Alcantara, sir.

"Q: If he is inside the Court room, will you please stand up and look around and point to him if he is here?

"Interpreter: Witness pointing to a person who identified himself as Michael Balugo, Your Honor.

"COURT: Are you feeling okay this morning, Mr. witness?

"A: I am nervous, Your Honor.

"COURT: You will be cross-examined later on. The Court is giving you another chance to look around the courtroom since you testified that certain Alcantara poked something on you. This Court is operating on rules of evidence. You may take a second look inside this courtroom and see if that Alcantara is inside the courtroom this morning. You will have to tell the truth. If the Court finds out that you are not telling the truth, you will be held for contempt.

"Fiscal: The witness as I look is hiding something, Your Honor.

"COURT: You cannot hide something in a capital offense like this. You owe it to yourself and the country as well.

"Atty. Valero: I have not entered my appearance in this case, but Dra. Patricio would like to manifest that the witness just recovered from an illness and he may not be well enough, Your Honor. He is nervous and afraid. If the Court would grant a continuance in this case so that he can regain his composure.

"COURT: Granted. Let the hearing be continued for another date." [29]

During the next hearing on December 7, 1988, Venancio correctly identified appellant in open court. Even then, Venancio's credibility has been seriously damaged. There was no reason for him to err. By his own admission, [30] appellant was familiar to him. He claimed that he had frequently seen appellant around the Coca-Cola Antipolo plant during the three-year period prior to the hijacking. He had even given appellant a free ride on his truck from Antipolo to Pandacan on one occasion. Before the hearing of November 21, 1988, he was also allegedly able to identify appellant as the person who grabbed the steering wheel of his truck when it was hijacked. The identification took place at the MCU hospital on July 26, 1988 where Venancio was then confined. The pretext that Venancio was nervous and was not feeling well during the hearing of November 21, 1988 is not convincing. It is not supported by any evidence except the say so of Venancio and his counsel.

Nor was it correct for the trial court to give too much weight to Venancio's alleged previous identification of appellant at the MCU hospital. The testimony of Sgt. Awanan in this regard leaves much to be desired. To begin with, the credibility of law enforcers who make a mockery of the constitutional rights of an accused during his investigation is highly suspect. Those who out of court violate without any compunction constitutional rights which we hold sacrosanct are prone to prevaricate in court similarly without any qualm. Their prevarications are also intended to save their own skin. Indeed, in the case at bench, the testimony of Sgt. Awanan was not corroborated by Venancio. But even if the identification did take place, still its fairness is highly suspect. Appellant testified as follows:

"xxx xxx xxx

"Q: How many days have you been detained at precinct 10 before you were brought to MCU Hospital, sir.

"A: Two days and two nights, sir.

"Q: And from precinct 10, what was the place to where you were brought?

"A: At MCU Hospital, sir.

"Q: What happened at MCU Hospital?

"A: Before bringing into a room, we were stopped by one of the escorts in an alley.

"Q: The room, in the room that you were brought, what did you find there, please describe the room?

"A: What I saw was a male person who seems to be a patient, sir.

"Q: What happened there inside the room with that patient?

"A: He was asked by Sgt. Awanan if I was one of those who 'tumira sa kanila'.

"Q: Who was being asked by Sgt. Awanan?

"A: The male person, sir.

"Q: Are you referring to the patient?

"A: Yes, sir.

"Q: What did the patient answer Sgt. Awanan?

"A: He did not answer, sir.

"Q: What happened next when the patient did not answer?

"A: I heard the woman near him asking for a photographer or to call for a photographer.

"Q: Was there any photographer who came?

"A: Yes, sir.

"Q: What did the photographer do?

"A: When the photographer arrived, he was asked again by Sgt. Awanan if I was one of the companions of those persons who 'tumira sa kanya.'

"Q: After Sgt. Awanan asked the person the second time, what did you notice if any that transpired next?

"A: The patient did not say anything.

"Q: For how long, or how many length of time did the patient continue to do nothing?

"A: Perhaps for about 20 seconds, sir.

"Q: In doing nothing for about twenty seconds, what happened next, if any?

"A: What Sgt. Awanan said is that 'Basta ituro mo na lang.'

"Q: Hearing that from Sgt. Awanan, what happened next?

"A: I was asked by them to go near the patient and from there, I was pointed to and the pictures were taken, sir.

"Q: How near, how much distance did you get near the patient?

"A: More or less one arm length, sir.

"Q: Was there anyone beside you when you were pointed out?

"A: None, sir.

"Q: Approximately how much distance is the next person aside from the patient which is nearest to you when you were pointed to be the patient?

"A: More or less about two arms length, sir.

"Q: When you were brought inside the room at the MCU Hospital, who were coming with you aside from your escorts, if any?

"A: What I only knew was Sgt. Awanan and his two other companions, sir.

"Q: Did you remember if there was any who were joining you as among the target of endeavor to pinpoint a person, was there any other person aside from you who was made to pinpoint, if any?

"A: No more, sir.

"Q: What else if anything else happened aside from the pinpointing to you inside the room of MCU Hospital?

"A: That's all, sir, after I was being photographed, I was brought to Camp Crame, sir." [31]

Despite the damaging character of appellant's charge, the prosecution failed to present any witness to rebut it. Yet according to Sgt. Awanan, the identification was made "in the presence of the CAPCOM, the policemen and myself." [32] Due process demands that the identification procedure of criminal suspects must be free from impermissible suggestions. As appropriately held in *US vs. Wade*, [33] "the influence of improper suggestion upon identifying witnesses probably accounts for more miscarriages of justice than any other single factor."

Secondly, this court observes basic contradictions between the testimony of Venancio and his affidavit taken by the Constabulary. Particularly irreconcilable is the number of hijackers who snatched the subject truck. In his testimony, Venancio only identified appellant, viz.:

"xxx xxx xxx

"(Atty. Fernandez): In what place of the truck did the accused ride in your truck?

"A: In Antipolo plant, Sumulong highway, sir.

"Q: What time?

"A: 10:00 o'clock in the evening, sir.

"Q: Did the accused approach you for riding in your car?

"A: He approached my helper, sir.

"Q: Where were you?

"A: Behind the steering wheel, sir.

"Q: Where was your helper?

"A: In front, at the right side of the vehicle, sir.

"xxx xxx xxx

"Q: You said the accused approached your helper?

"A: Yes, sir.

"Q: And what happened after that?

"A: I asked him if he knew the accused.

"Q: What was the answer of your helper?

"A: He answered yes and that is the reason why I allowed him to ride." [34]

In glaring contrast to Venancio's testimony before the trial court, stands his affidavit dated July 27, 1988 (Exh. "C"), wherein he made the following unequivocal narration:

"Ako po ay nagmamaneho ng isang trak na 'Ten Wheeler' na pag-aari ng aking hipag na may plakang NFS 230 at may lulan kaming 'Softdrinks na COKE'. Noong gabi ng July 19, 1988 mga bandang alas diyes (10:00 P.M.) galing ako sa planta ng Coca Cola sa may Sumulong Highway, Antipolo, Rizal at minamaneho ko ang trak na may kargang 600 ng kahon ng COKE 500. Kasama ko ang aking helper na si LARRY SALVADOR. Mula sa nasabing planta may limang (5) lalaki na nakiusap na makisakay at sinabing bababa daw sila sa may EDSA crossing. Palibhasa'y, matagal ko nang nakikita 'yong mga limang lalaki roon sa planta na nag-iistambay paminsan-minsan ay pinayagan ko silang makisakay. Habang ako ay nagmamaneho katabi ang tatlong lalaki sa harap kasama ang aking helper samantalang tatlo ang nasa likod na upuan 'Backseat'. Pagkagaling namin doon sa planta daang Sumulong, kumaliwa ako nang Tuazon Avenue at kumanan ng Marcos Highway at kumaliwa uli sa Rodriguez Avenue, patungong EDSA at nang Rosario, Pasig. Kinuha ko ang daang Ortigas Avenue, patungong EDSA at nang bago kami makarating sa MERALCO, bigla na lamang ako tinutukan ng Beinte Nueve (FAN KNIFE) sa may leeg at sinabing 'Makisama na lamang ako. 'Yung aking helper naman ay tinutukan din ng balisong. 'Yung lalaking nasa aking kanan ang umagaw manibela at habang tumatakbo ang sasakyan, ako ay tinalian ng mga basahan sa bibig, ang aking dalawang kamay sa likod at aking paa hanggang sa pinahiga ako sa likuran ng upuan sa 'Backseat'. Ang aking helper ay ganon din, tinalian sa bunganga, kamay at paa at pinahiga sa harap. Sinabi sa aking noon lalaking umagaw ng manibela na 'Makisama na lamang ako' para hindi ako masaktan. Sumagot naman akong kunin na lamang nila ang gusto nila huwag lang kaming sasaktan. Tuloy-tuloy ang takbo nang trak habang kami ng helper ko ay nakatali at nakahiga. Narinig ko lamang sa isa sa kanila na nagsabing ipasok na lang natin sa Diversion Road. Mula doon sa toll gate ng Diversion Road, tatlong bases kaming huminto. Noong una, narinig kong may nagsabi na 'Huwag nating ibaba dito may mga bahay. Umusad uli kami hanggang sa isang banda na madilim sa may diversion ay binuhat kami at ibinaba sa trak at itinali sa may bakuran na alambre. Habang nakatali kami, naguusap yong limang lalaki sa ibabang gawing pintuan ng trak habang umaandar ang makina ng trak. Sinabi nong nagmamaneho ng trak na bali siya ang naguutos lahat nang ginagawa nila ay, sige iwanan na natin yang dalawa at bago sila umalis, dalawang lumapit sa amin at inundayan na ako nang saksak sa kaliwang dibdib. Samantalang iyong isang kasama ay sinaksak din yong helper kong si Larry Salvador nang dalawang beses. Isa sa harap at isa sa likod. Nakalogmok si SALVADOR, at ako naman ay nagpupumilit na alisin ang pakatali namin sa bakod. Nakaalis na ang trak lulan noon limang lalaki at nakahulagpos din ako sa pagkakatali, bagamat ako ay sugatan hanggang naglulukso-lukso ako sa tabi ng highway upang tumawag ng saklolo. Mabuti na lamang at may dumating ng Mobile nang expressway at sinabi kong kami-hinoldap at pinagsasaksak at dinala nga kami rito sa hospital. Hindi ko alam ang sumunod na pangyayari."

There are other discrepancies between Venancio's testimony and his affidavit before the CHPG. In his affidavit, he also claimed that their stabbing was preceded by a conference by appellant and his four companions and that he saw his helper stabbed twice. In contrast, he testified in court viz.:

"xxx xxx xxx

"(Court) Q: Are you sure now that the person you pointed to earlier is the very person who grabbed the steering wheel from you?

"A: Yes, Your Honor.

"Q: What else did the accused, the person whom you pointed to earlier, do to you as far as you can remember now?

"A: After grabbing the steering wheel, his companions tied us and we were asked to lie down inside the truck, Your Honor.

"Q: Specifically, do you know the participation of the accused herein aside from grabbing the steering wheel

from you?

"A: When we reached North Expressway, we were asked to go down the vehicle and the two of us, we were asked to alight from the vehicle and we were tied to the fence of the expressway. Before stabbing us, he talked with the two who stabbed us, Your Honor.

"Q: You said he. You are referring to whom?

"A: To Alfredo Alcantara. He was the one who talked with his two other companions, Your Honor.

"Q: And thereafter, what happened?

"A: After they have talked with each other, they stabbed us, Your Honor.

"Q: Who stabbed you?

"A: His two companions, Your Honor.

"Fiscal Bayani: After stabbing you, what did Alcantara and his two other companions do?

"A: After we were stabbed, they boarded the vehicle and they left the place, sir.

"xxx xxx xxx

"(Fiscal Bayani): Do you know how many stab wounds this Larry Salvador received when you were both stabbed by these people including the accused in this case?

"A: I saw only one, sir." (*Italics supplied.*)

These discrepancies cannot be overlooked considering their quantity and quality.

It has been stated often enough that conviction must be based on the strength of the prosecution, and not the weakness of the defense. [35] The obligation is upon the shoulders of the prosecution to prove the guilt of the accused, and not on the accused to show his innocence. When, as in the case at bench, the evidence for the prosecution is not enough to sustain conviction, it must be rejected, and the accused-appellant absolved and released at once. [36]

The Court takes this opportunity to bewail the blatant violation of the constitutional rights of appellant as an accused. Appellant belongs to the economically deprived in our society. He is nearly illiterate. Our Constitution and our laws strictly ordain their protection following the Magsaysay desideratum that those who have less in life should have more in law. The policemen and Constabulary Highway Patrol Group officers who apprehended and investigated appellant showed little respect for our rule of law. The records show that they illegally arrested appellant, arbitrarily detained, physically abused and coerced him to confess to a crime penalized by nothing less than reclusion perpetua. Too often, our law enforcers, in their haste to solve crimes, strip people accused of serious offenses of the sanctity of their constitutional rights. It is again time to pound on these law enforcers with the crania of cavern men that the guarantees of the rights of an accused in the Constitution are not mere saccharine statements but the bedrock of our liberty. If we allow a meltdown of these guarantees, our democracy will be a delusion.

IN VIEW WHEREOF, the appeal is GRANTED. The conviction of ALFREDO GACAD ALCANTARA by the Regional Trial Court of Pasig, Branch 156, dated November 17, 1989 is hereby REVERSED AND SET ASIDE. No costs. SO ORDERED.

Narvasa, C.J., (Chairman), Regalado, and Mendoza, JJ., concur.

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- [1] There is nothing in the records to show that he was apprehended on the basis of a valid warrant, or that his situation could have justified his warrantless arrest.
- [2] He was arrested on July 25, 1988, but charges against him were filed with the trial court only on August 15, 1988. Even the Information in the case is dated August 10, 1988.
- [3] Docketed as Criminal Case No. 74353.
- [4] TSN of November 21, 1988, pp. 1, 2, 5.
- [5] TSN of December 7, 1988, pp. 6-7.
- [6] TSN of November 21, 1988, p. 6.
- [7] TSN of December 7, 1988, p. 3.
- [8] Exh. "H-1" (Autopsy Report No. N-88-2095).
- [9] Ibid., at p. 4.
- [10] TSN of September 28, 1988, pp. 4, 7, 8.
- [11] Ibid., at p. 6; TSN of July 17, 1989, pp. 4, 14.
- [12] Translated, "He was the one who grabbed the wheel from me!"
- [13] Exhibits "A" and "A-1".
- [14] Exhibits "B" to "B-2".
- [15] Original Records, p. 1.
- [16] Presided by Judge Martin S. Villarama, Jr.
- [17] TSN of July 17, 1989, p. 15.
- [18] Ibid., at p. 19.
- [19] Id., at p. 11.
- [20] Id., at p. 12.
- [21] Id.
- [22] Id., at pp. 2, 4.
- [23] Id.
- [24] Id.
- [25] Id., at pp. 5, 6.
- [26] Id.
- [27] Id., at p. 7; See Exhibits "B" to "B-2".
- [28] Impugned Decision, dated November 17, 1989, pp. 22-26.
- [29] TSN of November 21, 1988, pp. 5-6.

[30] TSN of December 7, 1988, pp. 3, 6.

[31] TSN of July 17, 1989, pp. 3-5.

[32] TSN of September 28, 1988, p. 10.

[33] 388 US 218.

[34] TSN of December 8, 1988, p. 6.

[35] See *People vs. Dulay*, 217 SCRA 103 (1993); *People vs. Molina*, 213 SCRA 52 (1992); *People vs. Macasinag*, 173 SCRA 292 (1989).

[36] See *People vs. Colcol, Jr.*, 219 SCRA 107, 114 (1993).

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