

PEOPLE OF THE PHILIPPINES, PLAINTIFF/APPELLEE, VS. JEFFREY LOGRONIO, ACCUSED/APPELLANT.

G.R. No. 92416. October 13, 1992

Ponente: FELICIANO, J.

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FELICIANO, J.:

Jeffrey Logronio was accused of robbery with homicide, tried and convicted by the Regional Trial Court and sentenced to reclusion perpetua.

Logronio entered a plea of not guilty to the information which described the offense charged in the following manner:

"That at or about 9:00 o'clock in the evening of December 26, 1986, at the Poblacion, Municipality of Manito, Province of Albay, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with evident premeditation, taking advantage of the night to better accomplish his purpose, with intent to gain, did then and there wilfully, unlawfully and feloniously, with the use of force and violence, take, steal, rob and cart away assorted articles including several cartons (sic) of cigarettes of assorted brands and cash money of Twelve Thousand Pesos (P12,000.00), the same articles and cash totalling Fifteen Thousand Pesos (P15,000.00) Philippine Currency, from the store of FELISA DAEN and on said occasion and by reason of the aforesaid robbery, the same accused, with intent to kill, taking advantage of superior strength, did then and there wilfully, unlawfully and feloniously inflict physical injuries upon the person of FELISA DAEN by boxing her several times and strangulating her which consequently caused her death, to the damage and prejudice of the latter's heirs.

Acts Contrary to Law."^[1]

The prosecution's narration of facts was summarized in the Solicitor-General's Brief as follows:

"At about midnight of December 26, 1986, a report was received at the Manito (Albay) Police Station about a Robbery-Homicide case at the residence of old man Crispin Daen at Poblacion Manito, Albay. Sgt. Genny Egar, Pat. Nestor Sapanta, together with some CHDF men repaired to the premises in question in order to investigate. Sgt. Egar just stayed outside the house in order to secure the place because electric light was then off, and the investigators were afraid that some undesirable elements may raid them (sic). Pat. Nestor Sapanta with a CHDF man went inside to investigate. The finding of Pat. Sapanta was that the store of the place was robbed while the wife of the owner, 76 year old Felisa Daen, was killed by the robber. Cigarettes and other items inside the store were in disarray.

Immediately, Pat. Sapanta summoned the Municipal Health Officer of the place, who is Dr. Napoleon Se, to conduct an autopsy. Dr. Se said that corpse was already clean and arranged properly when he arrived in the house. The victim seemed to be just asleep. The cause of death was strangulation which resulted to asphyxia. A strong fistic blow on the throat could possibly cause the injury because he found "contusion with hematoma."

Meanwhile, Pat. Nestor Sapanta investigated the surroundings, then went to the neighbors of the victim in order to ask questions. At one point, a neighbor told Pat. Sapanta to investigate accused Jeffrey Logronio who

was seen loitering in the premises of the victim that evening.

That morning, Pat. Sapanta tried to invite Jeffrey Logronio for questioning but was told that Jeffrey went to far away barrio of Balasbas which is in the high mountains of Manito. Sgt. Egar, together with a CHDF man and another PC soldier were therefore dispatched to the barrio in order to inquire about the whereabouts of the accused. They were told that Jeffrey is with Allan Magayanes, in the house of the latter's mother in the upper portion of the mountains, so they went there.

The team found Jeffrey and Allan on the place. Allan was asked first who is responsible for the robbery and killing, and Allan pointed to Jeffrey as the one responsible for it. Jeffrey was also asked the same question wherein he at first tried to deny, but ultimately admitted being the one who robbed and killed Felisa Daen that evening. Jeffrey was asked where the loot was and he said he buried them underneath the table of Federico Dado, Sr. in the poblacion, so, they went there to recover the items. Jeffrey dug under the table and unearthed a yellow T-shirt with a print "People Power." Wrapped in the T-shirt were 2 fifty peso bills, a one hundred peso bill and plenty of coins rolled in paper, at 10 pesos, 5 pesos per roll, and some loose change (Exhibits D to D-9) totalling P304.00 in all.

Sgt. Egar cause [sic] some pictures to be taken of Jeffrey and the loot, which were marked Exhibits F to F-3. A box was also dug where the items were placed when buried.

Jeffrey was turned over to Pat. Sapanta for investigation in the Manito, INP station. Upon seeing Jeffrey, Pat. Sapanta, who had investigated Jeffrey earlier about the incident, asked 'Why are you here with those items when you said you do not know anything about the incident?' Jeffrey said he was there to tell the truth on the incident.

Before the questioning, Pat. Sapanta told the accused that it will be hard to investigate him because he has no lawyer, but the accused said he will be assisted by Atty. Salvador Silerio who was therefore summoned to the station on request of the accused. Jeffrey was then told about his constitutional right to remain silent (and) to counsel, and to the fact that his testimony can be used as evidence against him, but Jeffrey said, "You may proceed with the investigation." Atty. Salvador Silerio assisted the accused throughout.

The affidavit executed by Jeffrey (marked Exhibit A) stated that in that evening (Dec. 26, 1986), he went inside the house of the victim and hid under the bed because the old man, Crispin Daen was watching TV. Accused said he fell asleep under the bed. He was awakened when Crispin put off the TV. While getting some items in the store, the victim Felisa woke up. In order that he will not be recognized, accused said he theretofore boxed the old woman in the throat and on the jaw causing her to be knocked out, trembling. He hurriedly left the place then went to the house of Federico Dado, Sr. where he slept that evening, then buried the loot beneath the table.

The affidavit (Exhibit A) was signed by the accused and by his counsel Atty. Salvador Silerio x x x.

The day of the investigation was a holiday because of the Christmas season. The judge was not therefore there, so, the statement of the accused was left unsubscribed."

The prosecution's view of the facts was essentially accepted by the trial court. The above narration tallied substantially with the general sequence of events (but not the details thereof) recounted by the accused during his direct testimony in court.[2] In particular, it appears that in the early morning of 27 December 1986,[3] Jeffrey Logronio was invited by Pat. Sapanta to the police station in the poblacion, Municipality of Manito, Province of Albay, to shed light on the incident, considering that a neighbor of the deceased Felisa Daen had mentioned to Pat. Sapanta that Jeffrey Logronio had been seen loitering in the premises of the Daens on the evening of the crime. Logronio told Pat. Sapanta that he knew nothing about the robbery with homicide and went home; Pat, Sapanta did not try to detain him.[4] Pat. Sapanta then asked the assistance of his companions in the police force

in solving the crime. Sgt. Genny Egar, another PC soldier and a CHDF member, subsequently decided to talk to Logronio again. Having learned that Jeffrey Logronio had gone to Barangay Balasbas in a mountainous part of Manito, Albay, Sgt. Egar and his companions proceeded to Balasbas.[5] There they found Jeffrey Logronio with Allan Magayanes in the house of Allan's mother. On the afternoon of the same day, on 27 December 1986, Sgt. Egar and his companions brought Jeffrey Logronio and Allan Magayanes to the police station in the poblacion of Manito. At the police station, after questioning and investigation by the police, Jeffrey Logronio executed a written extrajudicial confession admitting that he had taken some money and articles away from the store of Felisa Daen and had hit the old woman in the throat and jaw to prevent her from recognizing him and that the old woman had accordingly fallen on the ground. About two (2) months later, Logronio executed an affidavit repudiating his 27 December 1986 written extrajudicial confession.

During the trial, Logronio presented his own version of the facts. He testified that at around 7:00 o'clock in the evening of 26 December 1986, he went to the store of Felisa Daen to buy some cigarettes. He did buy the cigarettes, from Felisa herself. Upon leaving the store, a man called out his name. Jeffrey approached this man and recognized him to be one Rafael Dado, Jr. Dado, according to Logronio, pointed a gun at him and brought him and detained him at the rear fence of the Daen house, with drawn pistol, for about two (2) hours.[6] During this time, Logronio continued, he heard a cry for help emanate from the Daens' house. Then Allan Magayanes came out of the door of the Daens' house and called for Dado. The latter forced Logronio forward to enter the store of the victim. There, Logronio observed Magayanes and Dado search and ransack the store. After sometime, Logronio was led out of the house by Magayanes and Dado. Federico Dado, Sr. met Magayanes and Dado, Jr. and they brought Logronio with them to the house of Dado, Sr. where the three (3) men divided the proceeds of the robbery among themselves. Logronio stated that he sat on a bed in Federico's house, watching while the partition of the loot was carried out. He slept at Federico Dado's house that evening, and the next morning he was allowed to go home. Logronio declared in court that he had admitted responsibility for the offense in his extrajudicial confession because of death threats made by Allan Magayanes against Jeffrey and his family.[7]

The trial court found the statements made in Logronio's affidavit of repudiation and during his testimony in court, to be unworthy of belief. The trial court noted that, in effect, according to Logronio, the perpetrators of the robbery with homicide had decided to detain Jeffrey Logronio and made him observe and witness the commission of the robbery with homicide including the partition of the loot, and had the next morning simply allowed him to go home.[8] For criminals to make an innocent third party a passive and unnecessary witness to their crime of robbing and killing, and then to let such witness go free and unharmed, is obviously contrary to ordinary human experience.

We agree with the trial court that Logronio's story assumes an excessive degree of credulity on the part of the trial court and does not warrant serious consideration.

The basic issue presented in this appeal relates to the admissibility of Exhibit "A," the written extrajudicial confession of Jeffrey Logronio. There is no question that the trial court had admitted and taken into consideration this confession in reaching its judgment of conviction. The accused-appellant argues, however, that the extrajudicial confession was inadmissible on the following grounds:

- a. he did not voluntarily execute the extrajudicial confession;
- b. he was not assisted by counsel during his custodial investigation;
- c. he was not "meaningfully" apprised of his rights during custodial investigation; and
- d. his extrajudicial confession had not been subscribed or sworn to before an officer authorized to administer oaths.

We examine these objections seriatim.

Jeffrey Logronio did not claim that he had been physically beaten and maltreated by the police officers at the police station or anywhere else. Instead, Logronio asserted that he gave his extrajudicial confession because he had been intimidated by Allan Magayanes who was "well-connected" with the Philippine Constabulary authorities.[9] We consider, however, that the facts of record do not show the existence of any fear which could reasonably have coerced the accused into admitting guilt and signing the extrajudicial confession when he was actually innocent. The claimed threat was not alleged to have been exercised by any of the investigating police officers but by a person, Allan Magayanes, who was not even physically present in the investigating room at the time that Logronio was being questioned at the police station. Logronio did not attempt to indicate how or in what sense or to what extent Allan Magayanes was "well-connected" with the police authorities and how such "connection" or influence had affected the conduct and outcome of the custodial investigation. Further, Logronio had several opportunities to seek help from his family or the protection of the authorities if indeed he was in fear of his life at the hands of Allan Magayanes or of any other person; but he never sought such help or protection. Logronio had breakfast with his father and brother on the very morning that he was released from the house where allegedly he had been brought and detained by Magayanes and Federico Dado and Rafael Dado.[10] Moreover, as noted, Pat. Sapanta had asked him to shed light on the crime on the morning of 27 December 1986, but Jeffrey Logronio never intimated to Pat. Sapanta the claimed threats by Magayanes.[11] His failure to speak up and disclose his fear at the earliest opportunity subjects to serious doubt the reality and substance of that supposed fear. Still further, the conduct of Jeffrey Logronio on 27 December 1986 was clearly inconsistent with his allegation of fear and of having been intimidated; he set off for the mountains of Barangay Balasbas and went to the house of Allan Magayanes,[12] behavior which appears strange indeed, if in truth he was being coerced by Allan Magayanes. Finally, at the police station, in the presence of the police officers in the investigating room and his counsel, and in the absence there of Allan Magayanes, he could have revealed and obtained protection from the threats of Magayanes, if indeed those threats were real. He did nothing of the kind. Under these circumstances, the claimed intimidation appears to us to be too contrived and fanciful and to constitute an afterthought designed to Shift responsibility for the crime from himself.

Next, Logronio asks this Court to believe that he had not been meaningfully assisted by counsel during the custodial investigation. This contention, too, is not borne out by the record. The extrajudicial confession was signed both by Jeffrey Logronio and Atty. Salvador Silerio.[13] Before commencement of the investigation, and upon the request of appellant Logronio, Atty. Salvador had been called to the police station that afternoon of 27 December 1986. Atty. Silerio, now a Regional Trial Court Judge, was present throughout the proceedings at the police station.[14] Logronio did not question either the lawyer-like competence or the independence of Atty. Silerio, whether in his affidavit of repudiation before the police authorities or during the trial.

In his third contention, appellant Logronio claims in effect that the custodial investigation began in the mountains of Balasbas, Manito where Sgt. Egar addressed questions to Allan Magayanes and Jeffrey Logronio which led to Logronio's oral confession of guilt. The contention of appellant Logronio is that from the time the police started talking to him, he should have been informed of his rights to remain silent and to counsel and that anything he said could not be used against him, and that the failure so to inform him during the inquiry of the police at Balasbas, Manito, had "tainted" with irregularity the written extrajudicial confession subsequently executed by Logronio at the police station in the poblacion of Manito. The accused claimed that the proceedings at the police station in the poblacion were a "farce." [15]

The Court is not persuaded.

The rights set out in Section 12, Article III of the Constitution, sometimes called "custodial rights," are in the

language of Section 12 (1) itself, rights pertaining to persons "under investigation for the commission of an offense." Such persons are "suspects" held under custodial investigation by Police authorities.[16] In *People vs. Caguioa*, the Court defined "custodial investigation" to refer to "questioning initiated by law enforcement officers after a person had been taken into custody or otherwise deprived of his freedom of action in any significant way." [17] The Court in *Morales v. Enrile* elaborated and described the relevant situation in the following terms:

"x x x. After a person is arrested and his custodial investigation begins a confrontation arises which at best may be termed unequal. The detainee is brought to an army camp or police headquarters and there questioned and "cross-examined" not only by one but as many investigators as may be necessary to break down his morale. He finds himself in strange and unfamiliar surroundings, and every person he meets he considers hostile to him. The investigators are well-trained and seasoned in their work. They employ all the methods and means that experience and study have taught them to extract the truth, or what may pass for it, out of the detainee. Most detainees are unlettered and are not aware of their constitutional rights. And even if they were, the intimidating and coercive presence of the officers of the law in such an atmosphere overwhelms them into silence. x x x "[18]

At the time the police inquiry began in the mountains of Balasbas, neither Jeffrey Logronio or Allan Magayanes were "person[s] under investigation for the commission of an offense" within the meaning of Section 12(1) of Article III. Neither was a "suspect" under investigation by the police authorities in any substantive sense. Neither had been taken into police custody or been significantly deprived of his freedom. There was at that time nothing to connect either Logronio or Magayanes to the robbery with homicide. As noted, Logronio was reported to have been seen near the place where the crime had taken place; while he had already casually informed Pat. Sapanta earlier in the day that he knew nothing about the incident, the police presumably were interested in finding out whether he had become aware of anything which could furnish a clue to the discovery of the malefactor(s). The police officers must have been startled to find Allan Magayanes promptly pointing to Logronio as responsible for the crime and Jeffrey Logronio orally admitting soon enough that he had grabbed some money and goods at the Daen store and had hit the old woman on the jaw and throat. Effectively, Magayanes and Logronio had volunteered that information to Sgt. Egar at Balasbas.

Both Magayanes and Logronio were brought from Balasbas by Sgt. Egar to the police station at the poblacion of Manito, Albay, in the afternoon of the same day, for investigation by Pat. Sapanta. It is clear that when Pat. Sapanta began his questioning of Logronio and Magayanes at the police station, the custodial investigation had begun. Pat. Sapanta, however, had taken the precaution of informing Logronio of his rights to remain silent and to counsel before commencing the questioning. Clearly, too, Logronio had exercised his right to counsel by naming and requiring the presence of his counsel, and by making his extrajudicial confession only after his lawyer, Atty. Silerio, had arrived at the police station and extended to him advice and assistance. Atty. Silerio, as noted, signed that confession along with Logronio and stayed with the latter throughout the proceedings at the police station that day.

We believe, therefore, that the written extrajudicial confession of appellant Logronio was admissible in evidence and that the trial court was entitled to take it into account in determining the guilt of Logronio. We believe that by voluntarily executing that extrajudicial confession after having been informed by Pat. Sapanta of his rights under custodial investigation, and in the presence and with the assistance of Atty. Sapanta, appellant Logronio effectively waived his right to remain silent.

In this connection, we note that even if the oral statements made by Logronio in the mountains of Balasbas and the loot dug up by him were excluded as inadmissible because made before Pat. Sapanta had at the police station expressly advised Logronio of his rights to remain silent and to counsel, nonetheless, the extrajudicial confession of Logronio, given its detailed recitals, was quite sufficient to support the finding of guilt beyond reasonable

doubt by the trial court.

The final contention of appellant Logronio that his extrajudicial confession was worthless because it had not been sworn to, is similarly not persuasive. There is no dispute that appellant had signed his extrajudicial confession, in the presence of Atty. Silerio who also signed that document. At that point, the extrajudicial confession was complete. We are not aware of any provision of law that requires confessions or other admissions against interest to be excluded from the record unless made under oath.[19] Signed written confessions are not rendered inadmissible nor bereft of probative value by the simple failure to subscribe to them under oath. The evidentiary value of an extrajudicial confession rests upon the fact that it was made by the accused himself, voluntarily and against his own interest.

It remains to note that the subsequent retraction by appellant Logronio of his signed extrajudicial confession, regularly made before an investigating police officer, cannot be given serious consideration. The well-known rule is that retractions are generally unreliable[20] and are looked upon with considerable disfavor by the courts.[21] The asserted motives for the repudiation are commonly held suspect and the veracity of the statements made in the affidavit of repudiation are frequently and deservedly subject to serious doubt.[22] In the instant case, we have already noted that the statements made in Logronio's affidavit of repudiation were properly disregarded by the trial court as contrary to human experience and hence inherently unworthy of belief.

WHEREFORE, the Decision of the trial court dated 12 December 1989 is hereby AFFIRMED, save that the indemnity to be paid by accused-appellant to the heirs of the victim Felisa Daen is hereby INCREASED to P50,000.00, in accordance with the prevailing jurisprudence of this Court.[23]

SO ORDERED.

Narvasa, C.J., (Chairman), Regalado, Nocon, and Campos, Jr., JJ., concur.

[1] Records, p. 101.

[2] TSN, 3 March 1989, pp. 1, 6-11.

[3] Records, p. 192.

[4] Id.

[5] TSN, 21 March 1988, p. 15.

[6] TSN, 3 March 1989, p. 5.

[7] TSN, 3 March 1989, p. 20.

[8] Rollo, p. 30.

[9] Appellant's Brief, p. 14; Rollo, p. 49.

[10] TSN, 3 March 1989, p. 12.

[11] TSN, 5 August 1988, p. 13.

[12] TSN, 3 March 1989, p. 15.

[13] Records, p. 13.

[14] TSN, 3 March 1989, p. 122.

[15] Appellant's Brief, pp. 12-13; Rollo, p. 49.

[16] *People vs. Ayson*, 175 SCRA 216, 213 (1989). In *People v. Duero*, 104 SCRA 379, 386 (1981), the Court referred to "in-custody interrogation of accused persons."

[17] 95 SCRA 2, 9 (1980) quoting *Miranda v. Arizona*, 384 US 436, 445, 16 L.Ed. 2d. 694 (1966).

[18] 121 SCRA 538 at 553-554 (1983). In *Miranda vs. Arizona*, *supra*, the United States Supreme Court clarified that "[its] decision is not intended to hamper the traditional function of police officers in investigating crime. When an individual is in custody on probable cause, the police may, of course, seek out evidence in the field to be used at trial against him. Such investigation may include inquiry of persons not under restraint. General on--the-scene questioning of citizens in the fact-finding process is not affected by our holding. It is an act of responsible citizenship for individuals to give whatever information they may have to aid in law enforcement. In such situations the compelling atmosphere inherent in the process of in custody interrogation is not necessarily present." (384 US at 477)

[19] See *U.S. v. Corrales*, 28 Phil. 262 (1914).

[20] *People vs. Domenden*, 6 SCRA 343 (1962).

[21] *People vs. del Pilar*, 188 SCRA 37 (1990); *People vs. Aldeguer*, 184 SCRA 1 (1990); *People vs. Navasca*, 76 SCRA 70 (1977).

[22] *People vs. Dorado*, 30 SCRA 53 (1969).

[23] *People vs. Sison*, 189 SCRA 643 (1990); *People vs. Sazon*, 189 SCRA 700 (1990); *People vs. Jereza*, 189 SCRA 690 (1990); *People vs. Devaras*, G.R. No. L-48009, 3 February 1992.

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