

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. MARLO COMPIL Y LITABAN, ACCUSED-APPELLANT.*G.R. No. 95028. May 15, 1995*

Ponente: BELLOSILLO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-95028/>**BELLOSILLO, J.:**

On the belief that the case for the prosecution depends in the main on his own extrajudicial confession which he claims is inadmissible, accused Marlo Compil y Litaban filed a demurrer to evidence instead of presenting evidence in his behalf. The trial court however denied his demurrer, admitted his extrajudicial confession, and found him guilty of robbery with homicide. Now before us, he maintains that his extrajudicial confession was extracted without the assistance of counsel, thus constitutionally flawed.

As submitted by the prosecution, on 23 October 1987, just before midnight, robbers struck on MJ Furnitures located along Tomas Mapua Street, Sta. Cruz, Manila, which doubled as the dwelling of its proprietors, the spouses Manuel and Mary Jay. The intruders made their way into the furniture shop through the window grills they detached on the second floor where the bedroom of the Jays was located. Two (2) of the robbers forthwith herded the two (2) maids of the owners into the bathroom.

Manuel Jay was not yet home. He was to come from their other furniture store, the Best Wood Furniture, along Tomas Pinpin Street, also in Sta. Cruz. His wife Mary had earlier retired to their bedroom. Sensing however that something unusual was going on outside, Mary opened the door to peek. Suddenly, a man placed his arms around her neck while another poked a balisong at her nape. She was pushed back into the bedroom and ordered to open the drawers where she kept money. A third man ransacked the bedroom. They then tied her hands behind her back, stuffed her mouth with a towel, and took off with some P35,000.00 in cash and pieces of jewelry worth P30,000.00.

Afterwards, Mary who was gagged in the bedroom, and one of the housemaids herded into the bathroom, heard Manuel agonizing amid a commotion in the ground floor. After noticing that the two (2) men guarding them had already left, the helpers, Jenelyn Valle and Virginia Ngoho, dashed out of the bathroom and proceeded to the bedroom of their employers. Upon seeing Mary, the two (2) maids untied her hands and took out the towel from her mouth. They then rushed to the ground floor where they saw Manuel sprawled on the floor among the pieces of furniture which were in disarray. He succumbed to thirteen (13) stab wounds.

In the investigation that followed, Jessie Bartolome, a furniture worker in MJ Furnitures, told operatives of the Western Police District (WPD) that just before the incident that evening, while with his girlfriend Linda Hermoso inside an owner-type jeep parked near MJ Furnitures, he saw his co-workers Marlo Compil, Baltazar Mabini and Jose Jacale go to the back of the furniture shop. Linda then confirmed the information of Bartolome to the police investigators who also learned that the trio who were all from Samar failed to report for work the day after the incident, and that Baltazar Mabini was planning to go to Tayabas, Quezon, to be the baptismal godfather of his sister's child.

Thus on 27 October 1987, WPD agents together with Tomas Jay, brother of the deceased, and Jenelyn Valle went to the parish church of Tayabas, Quezon, to look for Baltazar Mabini and his companions. From the records of the parish they were able to confirm that suspect Baltazar Mabini stood as godfather in the baptism of the child of his sister Mamerta and Rey Lopez. Immediately they proceeded to the house of Lopez who informed them that Baltazar Mabini and his companions already left the day before, except Compil who stayed behind and still planning to leave.

After being positively identified by Jenelyn Valle as one of the workers of the Jay spouses, accused Marlo Compil who was lying on a couch was immediately frisked and placed under arrest. According to Jenelyn, Compil turned pale, became speechless and was trembling. However after regaining his composure and upon being interrogated, Compil readily admitted his guilt and pointed to the arresting officers the perpetrators of the heist from a picture of the baptism of the child of Mabini's sister. Compil was then brought to the Tayabas Police Station where he was further investigated. On their way back to Manila, he was again questioned. He confessed that shortly before midnight on 23 October 1987 he was with the group that robbed MJ Furnitures. He divulged to the police officers who his companions were and his participation as a lookout for which he received P1,000.00. He did not go inside the furniture shop since he would be recognized. Only those who were not known to their employers went inside. Compil said that his cohorts stabbed Manuel Jay to death. He also narrated that after the robbery, they all met in Bangkal, Makati, in the house of one Pablo Pakit, a brother of his co-conspirator Rogelio Pakit, where they shared the loot and drank beer until four-thirty in the morning. Then they all left for Quezon and agreed that from there they would all go home to their respective provinces.

From Tayabas, Quezon, the arresting team together with accused Compil proceeded to the house of Pablo Pakit who confirmed that his younger brother Rogelio, with some six (6) others including Compil, went to his house past midnight on 23 October 1987 and divided among themselves the money and jewelry which, as he picked up from their conversation, was taken from Sta. Cruz, Manila. They drank beer until past four o'clock the next morning.

On 28 October 1987, the day following his arrest, accused Compil after conferring with CLAO lawyer Melencio Claroz and in the presence of his sister Leticia Compil, brother Orville Compil and brother-in-law Virgilio Jacala, executed a sworn statement before Cpl. Patricio Balanay of the WPD admitting his participation in the heist as a lookout. He named the six (6) other perpetrators of the crime as Jose Jacale, Baltazar Mabini, Amancio Alvos, Rogelio Pakit, a certain "Erning" and one "Lando," and asserted that he was merely forced to join the group by Jose Jacale and Baltazar Mabini who were the masterminds. According to Compil, he was earlier hired by Mabini to work for MJ Furnitures where he was the foreman.

Meanwhile WPD agents had gathered other leads and conducted follow-up operations in Manila, Parañaque and Bulacan but failed to apprehend the cohorts of Compil.

On 12 November 1987 an Information for robbery with homicide was filed against Marlo Compil. Assisted by a counsel de oficio he entered a plea of "Not Guilty" when arraigned. After the prosecution had rested, the accused represented by counsel de parte instead of adducing evidence filed a demurrer to evidence.

On 2 June 1988 the Regional Trial Court of Manila, Br. 49,[1] denied the demurrer, found the accused guilty of robbery with homicide, and sentenced him to reclusion perpetua.

In his 75-page appellant's brief, accused Compil claims that "(he) was not apprised of his constitutional rights (to remain silent and seek the assistance of counsel) before the police officers started interrogating him from the time of his arrest at the house of Rey Lopez, then at the Tayabas Police Station, and while on their way to Manila x x x (he) was made to confess and declare statements that can be used against him in any proceeding." [2] And, the

belated arrival of counsel from the CLAO prior to the actual execution of the written extrajudicial confession did not cure the constitutional infirmity since the police investigators had already extracted incriminatory statements from him the day before, which extracted statements formed part of his alleged confession. He then concludes that "[w]ithout the admission of (his) oral x x x and x x x written extrajudicial (confessions) x x x (he) cannot be convicted beyond reasonable doubt of the crime of robbery with homicide based on the testimonies of other witnesses"[3] which are replete with "serious and glaring inconsistencies and contradictions." [4]

In *People v. Rous*, [5] the Third Division of this Court held that an extrajudicial confession may be admitted in evidence even if obtained without the assistance of counsel provided that it was read and fully explained to confessant by counsel before it was signed. However we adopt our view in *Gamboa v. Cruz* [6] where the Court En Banc ruled that "[t]he right to counsel attaches upon the start of an investigation, i.e., when the investigating officer starts to ask questions to elicit information and/or confessions or admissions from respondent/accused. At such point or stage, the person being interrogated must be assisted by counsel to avoid the pernicious practice of extorting forced or coerced admissions or confessions from the lips of the person undergoing interrogation for the commission of the offense." We maintained this rule in the fairly recent cases of *People v. Macam* [7] and *People v. Bandula* [8] where we further reiterated the procedure -

x x x At the time a person is arrested, it shall be the duty of the arresting officer to inform him of the reason for the arrest and he must be shown the warrant of arrest, if any. He shall be informed of his constitutional rights to remain silent and to counsel, and that any statement he might make could be used against him. The person arrested shall have the right to communicate with his lawyer, a relative, or anyone he chooses by the most expedient means - by telephone if possible - or by letter or messenger. It shall be the responsibility of the arresting officer to see to it that this is accomplished. 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 x x x 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.

In the case at bench, it is evident that accused-appellant was immediately subjected to an interrogation upon his arrest in the house of Rey Lopez in Tayabas, Quezon. He was then brought to the Tayabas Police Station where he was further questioned. And while on their way to Manila, the arresting agents again elicited incriminating information. In all three instances, he confessed to the commission of the crime and admitted his participation therein. In all those instances, he was not assisted by counsel.

The belated arrival of the CLAO lawyer the following day even if prior to the actual signing of the uncounseled confession does not cure the defect for the investigators were already able to extract incriminatory statements from accused-appellant. The operative act, it has been stressed, is when the police investigation is no longer a general inquiry into an unsolved crime but has begun to focus on a particular suspect who has been taken into custody by the police to carry out a process of interrogation that lends itself to eliciting incriminatory statements, and not the signing by the suspect of his supposed extrajudicial confession. Thus in *People v. de Jesus* [9] we said that admissions obtained during custodial interrogations without the benefit of counsel although later reduced to writing and signed in the presence of counsel are still flawed under the Constitution.

What is more, it is highly improbable for CLAO lawyer Melencio Claroz to have fully explained to the accused who did not even finish Grade One, in less than ten (10) minutes as borne by the records, the latter's constitutional rights and the consequences of subscribing to an extrajudicial confession.

While the extrajudicial confession of accused-appellant is so convincing that it mentions details which could not

have been merely concocted, and jibes with the other pieces of evidence uncovered by the investigators, still we cannot admit it in evidence because of its implicit constitutional infirmity. Nevertheless, we find other sufficient factual circumstances to prove his guilt beyond reasonable doubt.

We give credence to the testimonies of prosecution witnesses Linda Hermoso, Pablo Pakit and Jenelyn Valle. We believe that Linda Hermoso saw the accused and Mabini in the vicinity of MJ Furnitures just before the commission of the crime. While Hermoso may have contradicted herself on some minor incidents, she was straightforward on this specific instance -

FISCAL FORMOSO (re-direct):

Q.

You said that you saw Marlo and Puti (Baltazar Mabini) together with Jessie when you were inside the jeep, is it not?

WITNESS HERMOSO:

A.

Yes, sir.

Q.

Was this before you went to sleep?

A.

Yes, sir.[10]

Time and again it has been said that minor inconsistencies do not impair the credibility of witnesses, more so with witness Hermoso who only reached Grade Two and who as the trial court noted had difficulty understanding the questions being propounded to her. In fine, in the absence of evidence to show any reason why prosecution witnesses should falsely testify, it is fair to conclude that no improper motive exists and that their testimony is worthy of full faith and credit.

We have repeatedly ruled that the guilt of the accused may be established through circumstantial evidence provided that: (1) there is more than one circumstance; (2) the facts from which the inferences are derived are proved; and, (3) the combination of all the circumstances is such as to produce conviction beyond reasonable doubt.[11] And there can be a conviction based on circumstantial evidence when the circumstances proven form an unbroken chain which leads to a fair and reasonable conclusion pinpointing the accused as the perpetrator of the crime.[12]

In the instant case, the prosecution was able to prove the guilt of the accused through the following circumstances: First, accused Marlo Compil and Baltazar Mabini who are both from Samar worked in MJ Furnitures in Sta. Cruz, Manila, and were familiar with the floor plan of the shop. Second, on the night of the incident, they were seen in front of MJ Furnitures. Third, they were seen going to the rear of the furniture store. Fourth, robbers forcibly entered MJ Furnitures through the back window on the second floor. Fifth, some two (2) hours after the commission of the crime, at around two o'clock the following morning, they were in a house in Bangkal, Makati, dividing between themselves and their five (5) other companions the money and jewelry taken from Sta. Cruz, Manila. Sixth, they all failed to show up for work the following day. Seventh, accused Compil turned ashen, was

trembling and speechless when apprehended in Tayabas, Quezon, for a crime committed in Manila. Certainly these circumstances as gleaned from the factual findings of the trial court form an unbroken chain which leads to a fair and reasonable conclusion pointing to the accused as one of the perpetrators of the crime.[13] Hence even disregarding accused-appellant's oral and written confessions, as we do, still the prosecution was able to show that he was a co-conspirator in the robbery with homicide.

While it may be true that the arrest, search and seizure were made without the benefit of a warrant, accused-appellant is now estopped from questioning this defect after failing to move for the quashing of the information before the trial court. Thus any irregularity attendant to his arrest was cured when he voluntarily submitted himself to the jurisdiction of the trial court by entering a plea of "not guilty" and by participating in the trial.[14]

The argument of accused-appellant that the trial court should have convicted the arresting police officers of arbitrary detention, if not delay in the delivery of detained persons, is misplaced. Suffice it to say that the law enforcers who arrested him are not being charged and prosecuted in the case at bench.

Likewise devoid of merit is the contention of accused-appellant that granting that he had participated in the commission of the crime, he should be considered only as an accomplice. Disregarding his extrajudicial confession and by reason of his failure to adduce evidence in his behalf, the Court is left with no other recourse but to consider only the evidence of the prosecution which shows that the perpetrators of the crime acted in concert. For, direct proof is not essential to prove conspiracy[15] which may be inferred from the acts of the accused during and after the commission of the crime which point to a joint purpose, concert of action and community of interest.[16] Thus circumstantial evidence is sufficient to prove conspiracy.[17] And where conspiracy exists, the act of one is the act of all, and each is to be held in the same degree of liability as the others.[18]

WHEREFORE, the Decision of the Regional Trial Court appealed from is AFFIRMED insofar as it finds accused-appellant MARLO COMPIL y LITABAN guilty beyond reasonable doubt of robbery with homicide. Consequently, he is sentenced to reclusion perpetua with all the accessory penalties provided by law.

Accused-appellant is also directed to indemnify the heirs of the deceased Manuel Jay in the amount of P50,000.00, plus P35,000.00 as actual damages. He is further directed to return to Mary Jay the jewelry worth P30,000.00, and if he can no longer return the jewelry, to pay its value.

Costs against accused-appellant.

SO ORDERED.

Padilla, (Chairman), Davide, Jr., and Quiason, JJ., concur. Kapunan, J., on leave.

[1] Judge Romeo J. Callejo, presiding.

[2] Brief for Accused-Appellant, p. 20;

[3] *Id.*, p. 44.

[4] *Id.*, p. 11.

[5] G.R. Nos. 103803-04, 27 March 1995.

[6] G.R. No. 56291, 27 June 1988, 162 SCRA 642, cited by Mr. Justice Padilla in his Separate Concurring

Opinion in *Sampaga v. People*, G.R. No. 62305, 23 November 1992, 215 SCRA 839.

[7] G.R. Nos. 91011-12, 24 November 1994, citing *People v. Dimaano*, G.R. No. 95231, 15 June 1992, 209 SCRA 819.

[8] G.R. No. 89223, 27 May 1994, 232 SCRA 566, citing *Morales, Jr., v. Enrile*, G.R. No. 61016, and *Moncupa, Jr., v. Enrile*, G.R. No. 61107, 26 April 1983, 121 SCRA 538, and *People v. Galit*, G.R. No. 51770, 2 March 1985, 135 SCRA 465.

[9] G.R. No. 91535, 2 September 1992, 213 SCRA 1990.

[10] TSN, 14 January 1988, p. 86.

[11] *People v. Briones*, G.R. No. 97610, 19 February 1993, 219 SCRA 134.

[12] *People v. Adriano*, G.R. No. 104578, 6 September 1993, 226 SCRA 131.

[13] *Ibid.*

[14] *People v. Rabang*, G.R. No. 73403, 23 July 1990, 187 SCRA 682.

[15] *People v. De la Cruz*, G.R. No. 102063, 20 January 1993, 217 SCRA 283.

[16] *People v. Tapic*, G.R. No. 99041, 19 March 1993, 220 SCRA 191.

[17] *People v. Regalaro*, G.R. No. 101451, 23 March 1993, 220 SCRA 368.

[18] *People v. Pascual*, G.R. No. 95681, 8 September 1993, 226 SCRA 137.

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.