

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. AGUSTIN LADAO Y LORETO, ALEX DE GUZMAN Y MAGAT, HENRY PONSECA Y SORIANO, ANTONIO PANGANIBAN Y AQUINO, VICTORIO EUGENIO Y ROQUE...

G.R. Nos. 100940-41. November 27, 2001

Ponente: YNARES-SANTIAGO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-nos-100940-41/>

YNARES-SANTIAGO, J.:

Accused-appellant Henry Ponseca y Soriano appeals from the Decision[1] of the Regional Trial Court of Caloocan City, Branch 131, convicting him and his four co-accused[2] of the crime of robbery with homicide, sentencing them to suffer the penalty of reclusion perpetua, and ordering them to pay the heirs of the victim the amounts of P30,000.00, as civil indemnity and P10,500.00, as burial and wake expenses.

The information against accused-appellant reads:

That on or about the 29[th] day of January, 1990 in Caloocan City, Metro Manila and within the jurisdiction of this Honorable Court, the above-named accused, conspiring together and mutually helping one another, with intent to gain and by means of force and violence employed upon the person of ALFONSO DELA CRUZ Y QUIAMBAO, that is, by tying the latter's both hands and feet and subsequently dumping his body at the estero in Tanigue St., Dagat-Dagatan, this city, did then and there wilfully, unlawfully and feloniously take, rob and carry away undetermined amount, belonging to the said complainant, to the damage and prejudice of the latter in undetermined amount; and as a result of aforesaid force and violence employed to said victim, the latter drowned at the estero which incident directly caused his death.

Contrary to law.[3]

Upon arraignment on February 19, 1990, accused-appellant pleaded not guilty.

The records show that accused-appellant was among those apprehended by the Caloocan Police on the night of February 9, 1990, in connection with the rampant robbery and hold-up incidents in Caloocan. In the ensuing investigation conducted by Police Inspector Antonio Paras and Ricardo Concepcion, accused-appellant and his co-accused executed, with the assistance of Atty. Juanito R. Crisostomo of the Public Attorney's Office, Caloocan City, their extra-judicial confession admitting authorship of the crime of robbery with homicide.

In his extra-judicial confession, accused-appellant declared that he and his four co-accused, together with three others who were able to escape, held up the passenger jeepney driven by the victim. He further stated that they tied the hands and feet of the victim and threw him into the estero not knowing that the place was filled with water. Using the jeepney of the victim, they plied the Recto-Caloocan route and picked up passengers whom they likewise robbed. Thereafter, they abandoned the jeepney somewhere in the corner of P. Sevilla Street and 10th Avenue.

The full text of accused-appellant's extra-judicial confession states:

PAUNAWA:

Ikaw, Henry Ponseca ay nasa ilalim ng pagsisiyasat ng tanggapang ito hinggil sa kasong panghohold-up na may kasamang pagpatay, dahil dito, nais kong malaman mo na sa ilalim ng ating umiiral na Bagong Saligang-Batas, Ikaw ay may mga karapatang katulad ng mga sumusunod:

1 -

Karapatang manatiling tahimik o tumangging magbigay ng salaysay; nauunawan mo ba ito?

SAGOT:

OPO.

2 -

Karapatan mong malaman ang reklamo laban sa iyo, nauunawan mo ba ito?

SAGOT:

OPO.

3 -

Karapatan mong kumuha ng ayuda ng abogadong sariling pili mo at kung hindi mo kaya ito ay bibigyan ka ng ating pamahalaan para umayuda sa iyo, nauunawaan mo ito?

SAGOT:

OPO.

4 -

At anumang sasabihin mo'y maaring gamiting laban sa iyo sa alin mang hukuman ng pag-uusig, nauunawan mo ba ito?

SAGOT:

OPO.

TANONG:

Matapos mong malaman at maunawaan ang iyong mga karapatan bilang isang taong nasa ilalim ng pagsisiyasat, ikaw ba'y nakahandang magbigay ng malaya at kusang loob na salaysay na ang sasabihin mo'y pawang katutuhanan lamang?

SAGOT:

Opo, magbibigay po ako ng salaysay at aayudahan ako ni Atty. Juanito Crisostomo ng Caloocan Public Assistance Office.

02. T:

Kung gayon, sabihin mong muli ang pangalan mo't mga bagay-bagay na lubos na pagkikilanlan sa iyong pagkatao?

S:

HENRY PONSECA y SORIANO, 30 taong gulang, may-asawa, walang trabaho at kasalukuyang naninirahan sa 2741-G Santos St., Galangin, Tondo, Manila.

03. T:

Marunong ka bang sumulat, bumasa at umintindi ng salitang Tagalog?

S:

Marunong po.

04. T:

Inaakusahan ka Henry Ponseca ng Pangho-HOLD-UP na may kasamang pagpatay, na naganap nuong petsa-29 ng Enero 1990, mga bandang alas-10 ng gabi duon sa Tanigue St., Dagat-Dagatan, Caloocan City, ano ang masasbi mo rito?

S:

Tutuo po iyun, kasama po ako.

05. T:

Nakilala mo ba kung sino ang namatay sa insidenteng nabanggit?

S:

Ang namatay po duon dahil nalunod ay ang driver ng pampasaheong jeep na aming na-HOLD-UP at dito po sa opisina ninyo ay nakilala ko sa pangalang: Alfredo dela Cruz y Quiambao.

06. T:

Ano ba mismong naging partisipasyon mo dito sa nasabing kaso?

S:

Ako po ang umupo sa dulo ng jeep, lumimas sa mga gamit at pera ng mga pasahero at gumapos at naghulog doon sa driver ng jeep sa may estero duon sa Dagat-Dagatan na hindi ko alam ay may tubig pala kaya't nalunod itong driver.

07. T:

May mga kasama ka ba dito sa pangyayaring ito?

S:

Mayruon po, sila po ang ilan (Affiant at this juncture is pointing and referring to the persons who are presently inside the investigation room and who when asked gave their names as: VICTORIO EUGENIO y ROQUE @ Itoy, AGUSTIN LADAO y LORETO @ Agustin, ALEX DE GUZMAN y MAGAT @ Alex and ANTONIO PANGANIBAN y AQUINO @Tony) kasama pa rin po namin [sina] BAYANI @ Onse, REY at ROWELL na taga-Caloocan din pero nakatakas.

08. T:

Isalaysay mo nga ang mga pangyayaring may kinalaman sa hold-up na may kasamang pagpatay na ito?

S:

Nagkita-kita po kaming magkakasama sa Letre at duon ay nagplano kaming mangho-HOLD-UP nga. Sumakay po kami ng jeep at nagpunta kami ng Malinta, Valenzuela. Pagdating duon, bale walo (8) kaming magkakasama ay muli kaming sumakay ng jeep patungong Monumento naman at itong jeep nga ay minamaneho ng napatay namin. Ako po ay pumuesto sa dulo ng jeep, itong sina Bayani at Alex ay lumagay

naman sa harapan ng jeep, katabi ng driver si Alex. Ang ibang mga kasama namin ay pawang nasa loob ng jeep. Bale anim (6) po ang pasahero ng jeep at pagdating duon sa may Del Monte ay nag-announce na kami ng hold-up at inilabas na rin ni Agustin itong baril na dala niya. Pinakanan po namin ang jeep sa Del Monte, diretso ng Acacia at tuloy ng Caloocan. Nuon po namin nilimas ang mga gamit at pera ng mga pasahero at saka ibinaba sila sa ilang na lugar sa Caloocan. Ang orihinal na driver naman po ay iginapos namin at itong si Bayani ang nagmaneho. Pinadapa po namin ang driver na sa kalaunan nga'y nakilala kong si Alfredo dela Cruz sa loob mismo ng jeep at pagdating duon sa Tanigue St. Dagat-Dagatan, Caloocan, ay ibinaba namin siya, pinalakad ng inut-inot patungong estero at lima (5) kami nina Bayani, Alex, Rowel, at Rey na bumuhat sa kanya at naglaglag sa estero, na hindi namin alam na may tubig kaya't namatay itong driver sa pagkalunod. Sumakay kaming muli sa jeep at bumiyahe pa kami na si Bayani pa rin ang driver at mula sa Recto patungong Monumento ay hinold-up namin itong mga pasahero namin sa bandang Manuguit at nang matapos namin silang pababain ay inabandona namin ang jeep sa may P. Sevilla, 10[th] Ave., Calookan City.

09. T:

Anu-ano ba ang mga na-hold-up ninyo sa unang banat ng gabing iyun?

S:

Halu-halo na po, relo, alahas, pera, at iba pa at pumarte po ako ng halos P170.00 lamang.

10. T:

Sino'ng nagparte ng mga nahold-up ninyo?

S:

Kami-kami na rin po.

11. T:

Saan kayo nag parte-parte?

S:

Duon na po sa Letre.

12. T:

Saan mismo sa Letre?

S:

Duon po sa Caltex Gasoline Station.

13. T:

Duon ba ang tagpuan ninyo?

S:

Opo.

14 T:

Paanong nasakote ng mga alagad ng batas ang grupo ninyo?

S:

Kasi po ay nagtipon-tipon kami sa Letre uli para manghold-up sa Malolos pero may naghudas pala na kasama namin kaya't nasakote kami.

15. T:

Sinong naghudas sa inyo?

S:

Hindi po namin alam.

16. T:

Ano ang mga armas na ginamit ninyo sa nasabing hold-up na may kasamang pagpatay?

S:

Puro matalas po maliban kay Alex at Agustin na kapwa may baril.

17. T:

Ano ba ang masasabi mo sa mga baril na nasa ibabaw ng aking mesa ngayon?

S:

Iyan po mismo ang kargada nina Alex at Agustin. Iyun pong .38 ay kay Alex at .22 naman ang kay Agustin. (Affiant at this juncture is pointing and referring to the handguns on top of this investigator's table particularly described as one (1) .38 cal rev marked Squires Bingham with SN-1102937 loaded w/ four live ammos in its cylinder and one (1) .22 cal rev. marked Commanche Chief with SN-105818 with four live ammos in its cylinder.)

18. T:

Pansamantala ay wala muna akong itatanong sa iyo, may nais ka bang sabihin pa?

S:

Wala na po.

19. T:

Lalagdaan mo ba ang salaysay mong ito bilang patunay sa lahat ng nasasaad dito?

S:

Opo. (End of Statement, 6:00 p.m./10 February 1990)[4]

Prosecution witness Hilda Castro, a public school teacher and a victim in one of the hold-up incidents staged by accused-appellant and his cohorts on the night of January 29, 1990, testified that at about 10:00 in the evening of January 29, 1990, she boarded a passenger jeepney in Blumentritt bound for Sta. Cruz, Manila. As they approached Tayuman Street, the culprits declared a hold-up and divested them of their personal belongings. Aside from the hold-uppers, there were four passengers, including her. Hilda pointed to accused Eugenio as the one who announced the hold-up; accused-appellant Ponseca as the one who divested her of her bag, and accused Ladao and de Guzman as the persons who took their jewelries. The following day, she reported the incident to the police.[5]

On January 30, 1990, Dominga dela Cruz, widow of the victim, informed the authorities that her husband was missing. On the same day, the police were able to locate the abandoned jeepney of the victim. Recovered therefrom was Hilda Castro's bag containing her address and telephone number.

On January 31, 1990, the cadaver of the victim was found in Dagat-Dagatan, Caloocan City. The Certificate of Post Mortem Examination issued by Dr. Valentin Bernales of the National Bureau of Investigation revealed that the cause of death of the victim was "Asphyxia by Drowning." [6]

For his defense, accused-appellant testified that on February 9, 1990, while he was in an eatery in Caloocan, he was arrested by armed Caloocan policemen. Prior to his arrest, accused-appellant declared that he did not know his four co-accused. He denied participation in the commission of the crime and claimed that he was tortured and forced to sign an extra-judicial confession. Accused-appellant insisted that he does not know Atty. Juanito Crisostomo and that he was never assisted by him during the custodial investigation.

Relying on accused-appellant and his co-accused's extra-judicial confession, as well as on circumstantial evidence, the trial court rendered the instant judgment of conviction. The dispositive portion thereof reads:

WHEREFORE, the guilt of accused ALEX DE GUZMAN y MAGAT, AGUSTIN LADAO y LORETO, HENRY PONSECA y SORIANO, ANTONIO PANGANIBAN y AQUINO and VICTORIO EUGENIO y ROQUE having been proven beyond reasonable doubt, this Court hereby adjudged them GUILTY for the crime of Robbery with Homicide sentences them to suffer RECLUSION PERPETUA; to indemnify the heirs of the deceased Alfonso dela Cruz the sum of Thirty Thousand (P30,000.00) Pesos; and to pay the sum of Ten Thousand Five Hundred (P10,500.00) Pesos representing expenses for the wake and burial of herein victim.

In addition, accused AGUSTIN LADAO y LORETO is likewise adjudged GUILTY for having violated Presidential Decree No. 1866, as amended and hereby sentences him to suffer imprisonment of SEVENTEEN (17) YEARS, FOUR (4) MONTHS and ONE (1) DAY as minimum to TWENTY (20) YEARS as maximum.

SO ORDERED.[7]

Only Henry Ponseca appealed the trial court's decision, raising the following errors:

I

THE TRIAL COURT ERRED IN ALLOWING IN EVIDENCE THE SIGNED CONFESSION OF MR. PONSECA AS THE SAME WAS OBTAINED BY FORCE, TORTURE AND DURESS.

II

THE TRIAL COURT ERRED IN ALLOWING IN EVIDENCE THE CONFESSION ALLEGEDLY SIGNED BY MR. PONSECA, AS THE SAME WAS EXTRACTED WITHOUT THE PRESENCE OF COUNSEL AND WITHOUT THE ACCUSED BEING INFORMED OF HIS CONSTITUTIONAL RIGHTS.[8]

The contentions are without merit. Settled is the rule that once the prosecution has shown that there was compliance with the constitutional requirement on pre-interrogation advisories, a confession is presumed to be voluntary and the declarant bears the burden of proving that his confession was involuntary and untrue. The burden is on the accused to destroy this presumption. A confession is admissible until the accused successfully proves that it was given as a result of violence, intimidation, threat, or promise of reward or leniency.[9]

In the case at bar, aside from his bare allegations, accused-appellant failed to present any proof that force and violence were employed to coerce him to sign the extra-judicial confession. He did not submit himself to an examination by a physician to bolster his claim. Neither did he complain of the alleged torture to his relatives or to Prosecutor Neptali Aliposa when he swore to the truth of his statement. Likewise, he filed no criminal complaint or administrative charge against the police officers concerned. As similarly held in *People v. Fabro*, [10] citing *People v. Pia*, [11] all the foregoing circumstances sufficiently show that no force or violence was employed on accused-appellant and that his confession was in fact given on his own volition.

Moreover, this Court agrees with the Solicitor General, that the language of the confession and the details thereof, could only come from a participant in the commission of the crime. Every aspect thereof jibes with the sworn statements given by his co-accused. His confession reflects the manner in which the crime was committed; the kind of weapon used; the place where they boarded the victim's jeepney; the role of each accused; and their relative positions inside the jeep. Furthermore, accused-appellant's admission that they threw the victim in an estero filled with water confirms the result of the post mortem examination indicating that the victim drowned to death.

Accused-appellant contends that the extra-judicial confession is unworthy of belief because it allegedly accepts full responsibility for the crime charged. A guilty person, accused-appellant argued, seldom admits his guilt fully and completely and has the tendency to explain or minimize his fault. A reading of accused-appellant's confession, however, discloses that, indeed, he tried to limit his liability by implying that he had no intention to kill the victim as he was not aware that the estero where they threw the victim was filled with water. The exculpatory tone of accused-appellant's confession is demonstrative of its voluntariness rather than compulsion.[12]

Accused-appellant's allegation that he and his co-accused were not assisted by counsel during the custodial investigation is belied by the affidavit executed by Atty. Crisostomo attesting to the voluntariness of accused-appellant's confession and the legal assistance he rendered during the investigation. Moreover, Atty. Crisostomo testified that he informed accused-appellant and his co-accused of their constitutional rights and assisted them during the custodial investigation.

Having been obtained without infringing the Constitutional safeguards, accused-appellant's confession constitutes evidence of the highest order since it is backed up by the strong presumption that no person of normal mind would deliberately and knowingly confess to a crime unless he is prompted by truth and his conscience.[13]

It bears stressing that apart from the extra-judicial confession, the instant judgment of conviction is supported by other competent evidence. Hilda Castro's testimony, positively identifying accused-appellant and his co-accused as the persons who robbed them between Tayuman and Blumentritt, is on all fours with the confession of accused-appellant and that of his co-accused that after dumping the victim in the estero, they used the latter's jeepney and robbed the passengers they picked up in the Recto-Caloocan route and vice-versa. In fact, Hilda Castro's bag was recovered from the abandoned jeepney of the victim, which shows that accused-appellant and his companions were the same persons who took away the jeepney of the victim and killed him, and thereafter staged another hold-up where Hilda Castro happened to be one of the victims.

Prescinding from all the foregoing, we find no reason to alter the trial court's judgment of conviction. We agree with the court a quo that accused-appellant's denial of his participation in the crime is unconvincing. The assessment of a witness' credibility is the sole province of the trial court.[14] Being in the best position to observe the deportment and demeanor of accused-appellant on the witness stand, the Court accords full faith and credence to its findings and conclusions.

Under Art. 294(1) of the Revised Penal Code, the penalty for robbery with homicide is reclusion perpetua to death. There being neither mitigating nor aggravating circumstance, the lesser penalty of reclusion perpetua should be imposed on accused-appellant.

With respect to accused-appellant's civil liability, the Court has consistently ruled that actual or compensatory damages must be duly proved and established with reasonable degree of certainty, and courts cannot rely on conjecture or guesswork on the fact and extent of damages.[15] Upon examination of the records, we find that the award of P10,500.00 as burial and wake expenses is without basis, and should therefore be deleted. As to the

indemnity for the death of the victim, the award should be increased to P50,000.00 consistent with prevailing jurisprudence.[16]

WHEREFORE, the Decision of the Regional Trial Court of Caloocan City, Branch 131, finding accused-appellant Henry Ponseca y Soriano guilty beyond reasonable doubt of the crime of robbery with homicide, and sentencing him to suffer the penalty of reclusion perpetua, is AFFIRMED with the MODIFICATION that the indemnity to the heirs of the victim should be increased to P50,000.00. The P10,500.00 awarded by the trial court for wake and burial expenses is DELETED for lack of basis.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Puno, Kapunan, and Pardo, JJ., concur.

[1] Penned by Judge Antonio J. Fineza.

[2] Accused Agustin Ladao y Loreto was further convicted for Illegal Possession of Firearms.

[3] Rollo, p. 6.

[4] Exh. "D", Records, pp. 63-64.

[5] TSN, July 26, 1990, pp. 16-18.

[6] Exh. "F", Records, p. 67.

[7] Rollo, p. 42.

[8] Rollo, p. 209.

[9] *People v. Suarez*, 267 SCRA 119, 134-135 [1997]; citing *People v. Solis, et al.*, 182 SCRA 182 [1990]; *People v. Estevan*, 186 SCRA 34 [1990]; *People v. Prudente, et al.*, 133 SCRA 651 [1984]; *People v. Parojinog, et al.*, 203 SCRA 673 [1991]; and *People v. Dasig, et al.*, 221 SCRA 549 [1993].

[10] 277 SCRA 19, 37-38 [1997].

[11] 145 SCRA 581 [1986].

[12] *People v. Mada-I Santalani*, 93 SCRA 315, 325 [1979]; citing *People v. Palencia*, 71 SCRA 679 [1976].

[13] *People v. Aquino, et al.*, 310 SCRA 437, 438 [1999]; citing *People v. Calvo, Jr.*, 269 SCRA 676 [1997].

[14] *People v. Clemente*, 316 SCRA 667, 672-673 [1999]; citing *People v. Dela Cruz*, 190 SCRA 335 [1990].

[15] *People v. Panaga*, 306 SCRA 695, 708-709 [1999]; citing *Del Rosario v. Court of Appeals*, 267 SCRA 158 [1997].

[16] *People v. Dubria*, G.R. No. 138887, September 26, 2000.

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.