

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RANDY MANTES, JEROME GARCIA, JOVY VELASCO, AND DOMINGO FRANCISCO, ACCUSED-APPELLANTS.

G.R. Nos. 117166-67. December 03, 1998

Ponente: MENDOZA, J.

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MENDOZA, J.:

This is an appeal from the decision[1] of the Regional Trial Court, Branch 73, of Antipolo Rizal, finding accused-appellant Domingo Francisco guilty of Parricide and his co-accused-appellants Randy Mantes, Jerome Garcia, and Jovy Velasco guilty of Murder for the death of Erliste Arcilla Francisco, and sentencing each of accused-appellants to suffer the penalty of reclusion perpetua and to indemnify the heirs of the victim in the amount of P50,000.00, plus the cost of suit.

The facts are as follows:

Accused-appellant Domingo Francisco is the husband of Erliste Arcilla Francisco. The other accused-appellants are friends of Domingo Francisco.

On February 28, 1992, Erliste Arcilla Francisco disappeared. She was last seen with accused-appellant Domingo Francisco at the UERM Hospital, where accused-appellant worked as a janitor.

The following day, a female cadaver was found at Barangay Cupang, Antipolo, Rizal. It was burnt beyond recognition.

Police officers arrested accused-appellant Domingo Francisco, upon information given by the victim's mother, Dominga Arcilla, and Alice Francisco, who gave sworn statements to the police on March 5, 1992. They pointed to accused-appellant Domingo Francisco as the one who killed Erliste Arcilla[2] together with the other accused-appellants Randy Mantes, Jerome Garcia, and Jovy Velasco.

On March 12, 1992, two informations, dated March 6, 1992, were filed. One charged accused-appellant Domingo Francisco with Parricide, while the other one charged accused-appellants Randy Mantes, Jerome Garcia, and Jovy Velasco with Murder, for the death of Erliste Arcilla Francisco.

The information against accused-appellant Domingo Francisco reads:[3]

That on or about the 28th day of February 1992 in the Municipality of Antipolo, Province of Rizal Philippines and within the jurisdiction of this Honorable Court, said accused Domingo Francisco y Magtangob conspiring and confederating together with Randy Mantes y Velasco, Jerome Garcia y Velasco and Jovy Velasco y Canon and all of them mutually helping and aiding one another, willfully, unlawfully and feloniously and with evident premeditation that is having conceived and deliberated to kill his legally wedded wife, Erliste Arcilla Francisco and employing means, manner and form in the execution of the crime which tended directly and specially to insure its commission, assaulted, mauled, strangulate and burned her to death.

The information against the other accused-appellants alleged:[4]

That on or about the 28th day of February 1992 in the Municipality of Antipolo, Province of Rizal, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating with one Domingo Francisco y Matangob and all of them mutually helping and aiding one another, with intent to kill, treacher[y] and evident premeditation, taking advantage of superior strength, did then and there willfully, unlawfully and feloniously attack, assault and employ personal violence against the person of Erliste Arcilla Francisco by then and there strangle her with wire and burned her to death.

The two cases were heard jointly after all accused-appellants had pleaded not guilty to the charges against them.[5]

The prosecution presented the police officers who apprehended accused-appellants. Police Investigator Gil A. Colcol said that he was assigned to investigate the case involving a female cadaver found in a vacant lot in Barangay Cupang, Antipolo, Rizal. The cadaver could not be recognized because it had been severely burned. It was later brought to the PNP crime laboratory for examination. SPO1 Colcol testified that accused-appellant Domingo Francisco admitted his guilt and implicated Randy Mantes, Jerome Garcia, and Jovy Velasco, who are all relatives of Domingo Francisco's paramour. These persons allegedly admitted their culpability to the police investigator. On the basis of his investigation, SPO1 Colcol filed the case against accused-appellants with the fiscal's office.[6]

On cross-examination, Colcol said that accused-appellant Francisco was taken to the police station by his mother-in-law and relatives on March 5, 1992. He claimed that he informed accused-appellant of his right to remain silent and to retain the services of counsel, but he admitted that accused-appellant was not assisted by counsel during the interrogation. SPO1 Colcol further testified that Randy Mantes also admitted having hit the victim on the head with a softdrink bottle, while Jerome Garcia allegedly admitted he had strangled the victim with a piece of wire after accused-appellant Domingo Francisco allegedly told them "Patayin na ninyo, pag binuhay ninyo iyan, masasabit tayo." SPO1 Colcol claimed that accused-appellants admitted having been paid P5,000.00 for the job.

The supposed confessions made by the accused-appellants were not put in writing. SPO1 Colcol stated that the cadaver could hardly be recognized because it was badly burnt. It was only Mrs. Dominga Arcilla who identified it as that of her daughter Erliste Arcilla.[7]

SPO1 Jaime Tarasona corroborated SPO1 Colcol's testimony. He said that, on March 5, 1992, he and three others, namely PO3 Quiambao, PO3 Dimaculangan, and PO3 Tamondong, went to the office of SPO1 Colcol and then, together with other policemen, and accused-appellant Domingo Francisco, proceeded to the Quirino High School construction site. Upon arrival at the site, accused-appellant Domingo Francisco led them to Randy Mantes, Jerome Garcia, and Jovy Velasco, who were all apprehended. Accused-appellant Randy Mantes allegedly admitted to SPO1 Colcol that he (Mantes) was one of those instructed by accused-appellant Domingo Francisco to kill Erliste Arcilla. SPO1 Tarasona said that he, along with the other members of the team, executed an affidavit regarding the incident. On cross-examination, SPO1 Tarasona said that during the investigation, only accused-appellants and the policemen were present.[8]

SPO3 Medardo Sumait corroborated the testimonies of SPO1 Tarasona and SPO1 Colcol. He said that he was working at Substation 1 in Mayamot, Antipolo, Rizal on March 5, 1992 when he was asked to go to the Quirino High School in Quezon City with SPO1 Colcol, PO3 Tarasona, PO3 Quiambao, PO3 Dimaculangan, PO3 Ravaca, PO3 Tamondong, and accused-appellant Domingo Francisco. Accused-appellant Domingo Francisco led them to the other suspects in the killing of Erliste Arcilla. He said that at the Quirino High School construction

site, they arrested the persons pointed out by Domingo Francisco. He was the one who personally apprehended accused-appellant Jovy Velasco and took him to the station. Jovy Velasco and the other persons arrested were subjected to an investigation. During the investigation, he heard SPO1 Colcol ask accused-appellant Francisco why he killed his wife. The latter allegedly answered that it was because the victim was having an affair with another man. When the other accused-appellants were asked the same question, they answered it was because they had been ordered to do so.[9]

On cross-examination, SPO1 Sumait said that he did not encounter any difficulty in apprehending Velasco as the latter voluntarily went with him. He also said that the investigation was conducted orally and without counsel to assist accused-appellants.[10]

The prosecution then presented witnesses to establish the motive for the killing of Erliste Arcilla. Maria Vda. de Tawat testified that she had known accused-appellant Domingo Francisco and Erliste Arcilla for a long time as they were her neighbors in Tatalon, Quezon City. During the time that they were neighbors, Erliste would go to her house to complain about her husband's extra-marital affair and his beating her up. Erliste also told Maria Vda. de Tawat that accused-appellant asked her (Erliste) to leave their house so that he could live there with his paramour. Maria Vda. de Tawat said that she and Erliste reported the incident to Barangay Captain Dominador Baniega.

Maria Vda. de Tawat said that on February 28, 1992 she read about Erliste's death in a newspaper. She was not able to identify the body found in Antipolo because it was burned beyond recognition. They suspected Domingo Francisco to be the culprit, and so she sought the help of policemen. The latter went to the house of Domingo Francisco and informed him that Erliste had died, but accused-appellant allegedly said nothing. The policemen then invited him to the station for questioning. As a result, accused-appellant was imprisoned in Antipolo. In jail, accused-appellant Domingo Francisco allegedly asked Maria Vda. de Tawat for her forgiveness, saying: "...Inaamin ko na Ka Maring, patawarin mo na ako, nangyari na iyon kaya maski magkano magbabayad ako." She said she asked accused-appellant why he had committed the crime, but accused-appellant did not answer.[11] On cross-examination, Maria testified that Alex, one of accused-appellant's children, told her that his father wanted his mother Erliste to leave the house so he could live there together with his paramour. Prior to Erliste's death, accused-appellant and Erliste were always quarreling. Erliste sustained injuries as a result.[12]

Rachel Loyola, another neighbor of the spouses Domingo and Erliste, corroborated the testimony of Maria Vda. de Tawat. Rachel Loyola's house adjoined that of the spouses; it was separated only by a "lawanit" walling. The relationship of the spouses was good until the year 1990 when Rachel observed that the two were always quarreling. Erliste's face was often swollen and bruised. She heard that Domingo wanted his paramour to live in the house. She suspected that the woman she once saw staying in the house of the couple for four days was the paramour. Erliste complained to the Barangay Captain, who went to accused-appellant's house and talked to accused-appellant and his paramour. Rachel Loyola added that she herself was not on good terms with Erliste because the latter suspected her of also having an affair with accused-appellant Domingo Francisco. Rachel, however, denied she was having an affair with Domingo Francisco. She also testified that Domingo Francisco left his house with his paramour in 1990 and did not come back until January 1992, this time with a child, who was later taken care of by Erliste.[13]

On cross-examination, Rachel said the couple did not quarrel when the child was brought to the house.

Rachel said that when they first went to the Antipolo Headquarters to see the body, they were shown a wrist watch with brand name "Audi" and a ring with the name "Evelyn Roda" engraved on it. She was not sure who the owner of the articles was. Nor could she identify the burnt cadaver on which the same were found. It was Erliste's

children who identified the articles as those of their mother. When the children were asked why the name engraved on the ring was that of "Evelyn Roda" and not that of their mother, the eldest child, Alicia, answered that the ring had merely been found by her mother.[14]

Barangay Captain Dominador Baniega also testified. He said that he knew Domingo Francisco and Erliste Arcilla Francisco because they were his godchildren. In the past, Erliste would go to his residence to ask for help regarding her problem with Domingo Francisco. Erliste complained that Domingo Francisco was keeping a woman in their house and had forbidden her to enter their house. Erliste also told him that Domingo Francisco beat her up. Baniega said he sent for Domingo Francisco and the other woman and told accused-appellant that it was wrong for the other woman to stay in their house. Domingo Francisco allegedly promised he would look for another house where he could stay. He later learned from Maria Vda. de Tawat that Domingo Francisco and his paramour were no longer in the house of Erliste. Sometime in 1991, Baniega said it was accused-appellant who complained to him that Erliste had brought a man to their house. Accused-appellant Domingo Francisco could not, however, prove his claim. As a result, he dismissed accused-appellant's complaint. Accused-appellant then informed him that he would look for another lawyer to help him in filing charges against Erliste. No case was, however, filed. In March 1992, he came to know about Erliste's death.[15] On cross-examination, Baniega admitted that he really did not see Domingo Francisco beating Erliste because their houses were located far from each other. He also said that neither of the two made any threat to kill the other.[16]

Arsenio del Socorro, a tire vulcanizer, testified he knew accused-appellant Domingo Francisco and his wife. Sometime in 1980, accused-appellant asked him to attest to the National Housing Authority that he and his wife were bonafide residents of Tatalon, Quezon City. On February 10, 1992, accused-appellant approached him again and sought his advice, saying that he was angry at his wife because she had a lover. Accused-appellant Domingo Francisco also said that he did not want to live with his wife anymore. Accused-appellant asked him if he knew anyone who could kill his wife. He told the accused-appellant that he did not know anyone who could do such a job. On February 13, 1992, accused-appellant allegedly asked him again the same question. The next thing he knew, Erliste was already dead.[17] On cross-examination, Arsenio said that he was not known in their community as a hitman or gunman for hire.[18]

Dr. Dario Gajardo, who conducted the post-mortem examination on the cadaver, also testified. He said that the remains were identified to be those of Erliste Arcilla by Ernesto Arcilla, brother of the deceased. He found six lacerated wounds, a ligature mark on the neck, and third degree burns. The lacerated wounds could have been caused by a hard object while the ligature mark could have been caused by a wire or a rope. He could not, however, state whether it was the lacerated wound or the ligature mark or the burns which caused the death of the victim. In a post-mortem certificate, Dr. Gajardo opined that the victim could have been dead for 8-14 hours before he conducted a post-mortem examination on February 29, 1992 at around 2:00 p.m. He further opined that it was probable for the victim to have died on February 28, 1992.[19]

Upon questioning, Dr. Gajardo claimed that they were able to identify the body as that of Erliste Arcilla on the basis of the personal effects found on the cadaver, such as the dentures and the earrings, which were identified by Ernesto Arcilla as belonging to his sister.[20]

As its last witness, the prosecution presented Dominga Arcilla, mother of Erliste Arcilla. Dominga Arcilla said that she was in the house of Domingo and Erliste when Domingo called to request Erliste to see him at the UERM Hospital at around 5:30 p.m. on February 20, 1992. Dominga became apprehensive when her daughter left to meet with accused-appellant. She claimed she followed her daughter to the UERM Hospital, but upon reaching the place, she was told that her daughter and accused-appellant had already left for Antipolo. Her daughter never returned to their house at Tatalon, Quezon City, after that day.[21]

The defense presented as its sole witness accused-appellant Domingo Francisco. He said that he last saw his wife on February 28, 1992 in front of the UERM Hospital. He searched for his wife Erliste from the time she disappeared until the time he was picked up by the police. In the past, Erliste had left their house several times. He would look for her everytime she left and did not come home. A month before February 28, 1992, Erliste told Domingo Francisco that she wanted to take a vacation. Accused-appellant suspected that his wife was still alive and was just hiding. He was not able to see the body, which the prosecution claimed to be that of Erliste, and he could not recognize the watch, keys, nail cutter, ring (with the name Evelyn Roda engraved), and earrings, found on the cadaver. Domingo said it was his mother-in-law who had accused him of killing his wife. He claimed that before he was picked up by the police, he had already reported the disappearance of Erliste. He said he led the police to his friends (his co-accused-appellants in this case) as the police was looking for them. He denied having killed his wife. He added that he could never kill his wife because he loved her and their children. He also denied having asked for forgiveness from Maria Vda. de Tawat for having killed his wife and claimed that he had no paramour.[22]

On cross-examination, accused-appellant said that he did not report to the police the disappearance of his wife in the past because it was only due to a minor misunderstanding. He also admitted that he did not tell other people about his wife's desire to take a vacation a month before she disappeared.[23]

After the trial, the lower court rendered a decision finding accused-appellants guilty as charged. The dispositive portion of its decision, dated June 16, 1994, reads:[24]

IN VIEW OF THE FOREGOING, the Court finds the accused Domingo Francisco guilty of the crime of Parricide and therefore, sentences him with the penalty of Reclusion Perpetua and to pay indemnity to the heirs of the victim in the amount of P50,000.00 and to pay the costs of the suit.

This Court also finds the accused Randy Mantes, Jerome Garcia and Jovy Velasco also guilty of the crime of Murder, the accused having used superior strength in killing the victim as the[re] were four of them so as to insure the commission of the crime and with use of motor vehicle, the taxi cab, which they used in taking the victim to the isolated spot in Brgy. Cupang, Antipolo, Rizal and therefore, sentences them with the penalty of reclusion perpetua and for each of them to pay the heirs of the victim the amount of P50,000.00 as indemnity and to pay the costs of the suit.

The trial court gave credence to the nine (9) witnesses presented by the prosecution. It found that accused-appellant Domingo Francisco's motive for killing Erliste Arcilla had been duly established. It likewise gave credence to the testimonies of the police officers who testified that the accused-appellants admitted having killed Erliste Arcilla. It further held that the fact that Domingo Francisco pointed out the other accused-appellants who were all found at the construction site showed that there was concerted action among said accused-appellants in the perpetration of the crime.

Hence, this appeal. Accused-appellants contend:[25]

A. THE TRIAL COURT ERRED IN FINDING THE ACCUSED GUILTY ON THE BASIS OF THEIR UNCOUNSELLED CONFESSION;

B. THE TRIAL COURT ERRED IN FINDING THE ACCUSED GUILTY IN THE ABSENCE OF PROOF OF THE CORPUS DELICTI;

C. THE TRIAL COURT ERRED IN FINDING THE ACCUSED GUILTY DESPITE THE FAILURE OF THE PROSECUTION TO ESTABLISH THEIR GUILT BEYOND REASONABLE DOUBT.

The Solicitor General agrees with the accused-appellants and recommends their acquittal.

After reviewing the evidence, we find the appeal to be meritorious and the Solicitor General's recommendation to be well taken. Well-enshrined in our Constitution is the accused's right to be presumed innocent until the contrary is proved beyond reasonable doubt.[26] The burden of overcoming this presumption rests on the prosecution. In the case at bar, there were no eyewitnesses to the commission of the crime. The conviction of the accused-appellants is based mainly on admissions allegedly made by them to the police officers at the time of their arrest and while they were under custodial investigation. On this point, we have said that:[27]

[U]nder rules laid down by the Constitution and existing law and jurisprudence, a confession to be admissible must satisfy all of four fundamental requirements: 1) the confession must be voluntary; 2) the confession must be made with the assistance of competent and independent counsel; 3) the confession must be express; and 4) the confession must be in writing.

It is undisputed in this case that the oral confessions made by accused-appellants during the investigation by the police officers and on which the trial court relied upon for its judgment of conviction, (1) were not in writing; (2) were made without the presence of counsel; and (3) were denied on the stand by accused-appellant Domingo Francisco. Police investigator SPO1 Gil Colcol testified:

Q:

At that time you commenced investigating Domingo Francisco in the morning of March 5, did you advise him of his right to remain silent?

A:

Yes, sir.

Q:

Did you advise him of his right to retain the services of counsel?

A:

Yes, sir.

Q:

Was he assisted by counsel when you interrogated him?

A:

No, sir.

Q:

You know very well that whether the investigation or asking questions is verbal or not in writing that is already part of the investigation?

A:

Yes, sir.

Q:

And yet, you proceeded to investigate the accused without the assistance of counsel.

A:

Yes, sir.

Q:

You know very well that, as a veteran investigator, whatever the suspect being interrogated will say, without the assistance of counsel, will not be admitted in court, you know that?

A:

Yes, sir.

DEFENSE COUNSEL:

Did you have the occasion to investigate or interrogate the three others?

A:

Yes, sir.

Q:

Where?

A:

At the sub-station.

Q:

At the time they were brought to the sub-station, in the same manner, did you advise them of their constitutional rights to remain silent?

A:

Yes, sir.

Q:

You also advised them of their right to be assisted by counsel?

A:

Yes, sir.

Q:

And yet, you proceeded to investigate them without the assistance of counsel?

A:

Yes, sir.

Q:

You know also that such being the case, whatever alleged statements made by the suspects will not be admissible in court?

A:

Yes, sir.

. . . .

Q:

Did you confront these other accused as to the crime being charged?

A:

Yes, sir.

Q:

What did they say?

A:

They voluntarily admitted that they were the perpetrators of the crime.

Q:

All of the accused?

A:

Yes, your honor.

Q:

Was it in writing?

A:

No, your honor, we don't have counsel to assist them.

Q:

Did they demonstrate in detail how the crime was committed?

A:

Yes, your honor.

. . . .

Q:

During all these time also, did you advise them that they are making incriminatory answers and they should get the assistance of lawyer?

A:

Yes, sir.

Q:

Do we understand that considering the nature of the narration which they made to you, it was never placed in writing?

A:

Yes, sir.

Q:

And you were asked why no such written statement was made, you said that at that time, no lawyer was available?

A:

Yes, sir.

Q:

Is it not a fact that the suspects were already detained or under custody of the sub-station since March 4, 1992.

A:

I could not remember exactly the date but right after they were brought to the sub-station, they were interviewed and investigated and they were very willing to narrate to us the incident that they have had.

Q:

Did you notice anything unusual, are they mentally deranged that they readily and voluntarily admitted everything or are they drunk?

A:

No, sir, they said they admit.

Q:

They readily and voluntarily admitted?

A:

Yes, sir.

Q:

Did you remind them that what they are saying are very incriminatory?

A:

Yes, sir.

Q:

And no written statement was prepared because no lawyer was available?

A:

Yes, sir.

Q:

Up to the time that you endorsed or filed this case before the court on March 12, 1992, was there no lawyer available to assist any of the accused?

A:

After we filed the case, they also admitted to the prosecutor's office at the Rizal Provincial Capitol the crime. After that, we brought them to the headquarters and turned them over to the jail.

Q:

From March 4 that they were under detention and preventive custody until the time the case was filed before this court, no written statement was given?

A:

None, sir.[28]

The flagrant violation of Art. III, §12 of the Constitution is also documented by the testimony of SPO1 Jaime Tarasona:

Q:

I stand corrected. Did you have any conversation with Randy Mantes from the place where you took him to sub station I?

A:

He narrated to us that his participation was that he was the one who hit the victim.

COURT:

Who told you this?

A:

Randy Mantes.

FISCAL MILLARE:

Did he mention to you with what he hit the victim?

A:

No, all that he said to me was that he was the one who hit the victim.

Q:

Was that the only thing that he said from Quirino High School to sub station I?

A:

Yes.

Q:

Do you know what happened during the investigation conducted by SPO1 Colcol of all the accused at sub station I?

A:

We were present during the investigation and we heard them admitted (sic) the crime.

Q:

Before whom did they make that admission?

A:

Before SPO1 Colcol who was conducting the investigation.

Q:

Who were around when the investigation was being made?

A:

All the operating officers.

Q:

Did you hear what they said during the investigation?

A:

I heard them narrate that they admitted that they were three who killed the victim upon the instruction of Domingo Francisco.[29]

....

Q:

At the time when you said you allegedly heard the statement made at sub station I were the suspects or the accused now in this case, accompanied by any relative?

A:

No.

Q:

And the persons inside the investigation room other than the four suspects were policemen?

A:

Yes.

Q:

No lawyer was around at that time?

A:

Yes.[30]

SPO1 Medardo Sumait corroborated the testimonies of SPO1 Colcol and SPO1 Tarasona:

Q:

When you arrived at the sub-station in Antipolo, Rizal together with the accused, what happened then?

A:

They were subjected to investigation.

Q:

Who conducted the investigation?

A:

SPO1 Colcol.

Q:

Was he the only one who conducted the investigation in this case?

A:

Yes, sir.

Q:

Were you present at the time that SPO1 Colcol was investigating the accused?

A:

Yes, sir.

Q:

Did you hear what question was asked?

A:

Some, sir.

Q:

How about on the accused Domingo Francisco, did you hear what question was asked by SPO1 Colcol during the investigation?

A:

Yes, sir.

Q:

What was asked of him in the investigation?

A:

He was asked why they did it.

Q:

And what was the answer?

A:

And the answer was that because she was having an affair with another man.

Q:

How about the other accused, did you hear what SPO1 Colcol asked of them?

A:

Some, sir.

Q:

What did you hear?

A:

They were also asked why they did it.

Q:

Are you referring to the other three accused?

A:

Yes, sir.

Q:

And what was their answer?

A:

They answered that they were ordered to do it.

Q:

And do you recall if they mentioned the name of the person who ordered them to do it?

A:

I cannot remember.

. . . .

Q:

Was the investigation done verbally?

A:

Yes, sir.

Q:

As a matter of fact, you do not know of any written statement done about that investigation?

A:

Yes, sir.

Q:

I suppose at the time that the verbal investigation was done by SPO1 Colcol you did not see any lawyer around?

A:

Yes, sir.

Q:

As a matter of fact from the time that you apprehended the accused at the Quirino High School construction site and the team went back to your station in Mayamot up to the time that the investigation was finished, there was no lawyer assisting them?

A:

Yes, sir.

Q:

Is it not a fact that one of the persons who gave you the tip was the mother of the victim?

A:

Yes, sir.[31]

Accused-appellants' alleged confessions were thus plainly uncounselled, and since they were given during custodial investigation, they are inadmissible.

With respect to the admissions which they allegedly made at the time of their arrest, our ruling in the case of *People v. Cabintoy*[32] is in point. In that case, the police officers claimed that accused-appellants had orally admitted their participation in the crime before they were formally investigated and before they were informed of their rights. This Court considered the confessions inadmissible. Through Justice Feliciano it was held:[33]

The verbal admissions allegedly made by both appellants of their participation in the crime, at the time of their arrest and even before their formal investigation, are inadmissible, both as violative of their constitutional rights and as hearsay evidence. These oral admissions, assuming they were in fact made, constitute uncounselled extrajudicial confessions within the meaning of Article III, Section 12 of the Constitution.

As in that case, the alleged oral admissions made by accused-appellants during their arrest and during the investigation conducted by the police officers in this case are inadmissible for having been made in blatant violation of Art. III, §12 of the Constitution. Their alleged oral confessions should all the more be disregarded because they were obtained by police officers who knew what the constitutional mandate regarding statements given during police investigations is and what the consequences of its violations are, yet disregarded those requirements.

In addition, we find the prosecution's evidence to prove that the female cadaver found in Barangay Cupang, Antipolo, is that of Erliste Arcilla, to be hearsay. The prosecution witnesses, including Erliste Arcilla's neighbors, Maria Vda. de Tawat and Rachel Loyola, said that they could not identify the cadaver as the same was burnt beyond recognition. In particular, both Vda. de Tawat and Loyola testified that the identification of the cadaver was made not by them but only by Erliste's children. Police investigator Gil Colcol, on the other hand, admitted that the same was identified not by him but only by Mrs. Dominga Arcilla. For his part, Dr. Gajardo stated that the said cadaver was identified by Ernesto Arcilla, the brother of Erliste Arcilla. However, not one of those who allegedly identified the body as that of Erliste Arcilla was presented in court to testify. Thus, the testimonies of the prosecution witnesses with respect to the identity of said cadaver is hearsay.[34] As such, the testimonies have no probative value.[35]

Finally, we hold that the trial court also erred in convicting accused-appellants on the basis of the alleged admission made by accused-appellant Domingo Francisco to Maria Vda. de Tawat and on the presence of motive.

The accused-appellant's alleged admission to Maria Vda. de Tawat is vague. The latter's testimony on accused-appellant's alleged admission is susceptible to various interpretations. Maria Vda. de Tawat said:[36]

Q:

There was no occasion for you to talk with the accused from Galas to Antipolo police station?

A:

None. I was able to talk to him when he was already in jail.

Q:

What was the conversation about?

A:

Domingo Francisco called me to forgive him and he will pay me any amount.

Q:

How did he say it to you in his own words?

A:

"SINALUBONG NIYA AKO SA REHAS TAPOS SINABI NIYA INAAMIN KO NA KA MARING, PATAWARIN MO NA AKO, NANGYARI NA IYON KAYA MASKI MAGKANO MAGBABAYAD AKO".

Q:

What was your reply?

A:

My reply was that "Why did you do that?"

Q:

What was his answer to your question?

A:

None.

(Emphasis added)

On the other hand, accused-appellant Domingo Francisco vehemently denied having made a confession to Maria Vda. de Tawat. He said:

Q:

A witness here said, you admitted the offense; that you asked for forgiveness. What can you say about that?

A:

That's not true, sir. The truth is that they did not come near me and they prevented my children from talking to me.

Accused-appellant's denial and the fact that Maria Vda. de Tawat was just a mere neighbor who is not even related to Erliste Arcilla cast grave doubts on the veracity of the prosecution's claim that accused-appellant indeed confessed to the commission of the crime.

As to the motive for the killing, it is axiomatic that "the existence of motive alone, though perhaps an important consideration, is not proof of the commission of a crime, much less the guilt of defendants-appellants." [37] We have also held that "motive cannot take the place of proof beyond reasonable doubt, sufficient to overthrow the presumption of innocence." [38]

In the case at bar, accused-appellants' guilt has not been shown beyond reasonable doubt and, therefore, they should be acquitted.

WHEREFORE, the decision of the trial court is REVERSED and accused-appellants are hereby ACQUITTED on the basis of reasonable doubt.

SO ORDERED.

Melo (Acting Chairman), Puno, and Martinez, JJ., concur.

[1] Per Judge Mauricio M. Rivera.

[2] Records, pp. 2-4.

[3] Id., p. 10.

[4] Id., p. 1.

[5] Id., pp. 27-31.

[6] TSN, pp. 2-16, June 24, 1992.

[7] Id., pp. 17-31.

[8] TSN, pp. 2-13, June 26, 1992.

[9] TSN, pp. 3-12, July 17, 1992.

[10] Id., pp. 13-16.

[11] TSN, pp. 2-10, Aug. 10, 1992.

[12] TSN, pp. 2-15, Aug. 24, 1992

[13] TSN, pp. 3-20, Sept. 11, 1992.

[14] Id., pp. 33-36.

[15] TSN, pp. 2-12, Oct. 16, 1992.

[16] Id., pp. 13-15.

[17] TSN pp. 3-17, Nov. 25, 1992.

[18] Id., pp. 22-23.

[19] TSN, pp. 3-22, Sept. 8, 1992.

[20] Id., p. 17.

[21] TSN, pp. 2-7, March 11, 1993.

[22] TSN, pp. 3-16, June 21, 1993.

[23] Id., pp. 16-21.

[24] Records, pp. 237-238.

[25] Rollo, pp. 60-61.

[26] ART. III, §14, par.(2).

[27] *People v. Deniega*, 251 SCRA 626, 637 (1995).

[28] *Id.*, pp. 27-29.

[29] TSN , pp. 8-9, June 26, 1992.

[30] *Id.*, p. 13.

[31] *Id.*, pp. 10-16, July 17, 1992.

[32] 247 SCRA 442 (1995).

[33] *Id.*, at 452.

[34] Rule 130, Sec. 36.

[35] *People v. Damasco*, 212 SCRA 547 (1992).

[36] TSN, p. 10, Aug. 10, 1992.

[37] *People v. Mariano Marcos*, 70 Phil. 468, 478 (1940).

[38] *People v. Pisalvo*, 108 SCRA 211, 226 (1981); *People v. Macatangay*, 107 Phil. 188, 194 (1960).

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