

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
FELICISIMO JARA, REYMUNDO VERGARA AND ROBERTO
BERNADAS, DEFENDANTS-APPELLANTS.**

G.R. Nos. 61356-57. September 30, 1986

Ponente: GUTIERREZ, JR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-nos-61356-57/>

GUTIERREZ, JR., J.:

We are once again constrained to take a hard look into the sufficiency of extra-judicial confessions as the sole basis for the imposition of the supreme penalty of DEATH.

The three appellants were all sentenced to death in Criminal Case No. 2564 for robbery with homicide. In the companion case of parricide, one was sentenced to another death penalty while the two other appellants received sentences ranging from 12 to 20 years of imprisonment.

Our task is made difficult by the fact that the crimes were specially ruthless and barbarous in their commission. No less than the counsel for the appellants states that the people of Puerto Princesa are no strangers to crime and that the frequency of criminal acts in their city has somehow benumbed the sensibilities of its citizens. Yet, the discovery on June 9, 1978 of the brutally and badly bashed corpses of two well-known and loved women of their community was still shocking to their senses.

There is the added factor that the police officers who investigated the crime and secured the confessions seemed so certain that indeed the three appellants are the malefactors. The confessions are convincing in their details. The trial court noted that "both victims were assaulted and killed with the might and fury of one really who had harbored so long a grudge and hate" and only Felicisimo Jara had that kind of ill-will against his estranged wife and her female companion. Moreover, Jara, a recidivist for the crime of homicide, was characterized as an experienced killer. There must be many residents of Puerto Princesa who are thus convinced about the correct solution of the crime. And perhaps, the appellants could have been the killers.

The function of this Court, however, is not to indulge in surmises or probabilities. The issue before us is whether or not the evidence of guilt is admissible under the standards fixed by the Constitution and if the quantum of proof, which we are allowed by the Constitution to consider, establishes guilt beyond reasonable doubt.

The decision of the former Court of First Instance of Palawan, 7th Judicial District, Branch I in the consolidated cases of People of the Philippines versus Felicisimo Jara, et al. (Criminal Case No. 2564) for Robbery with Homicide and People of the Philippines versus Felicisimo Jara, et al. (Criminal Case No. 2565) for Parricide is involved in this automatic review. All the three accused in Criminal Case No. 2564 were sentenced to suffer the maximum penalty of death, to indemnify jointly and severally the heirs of the deceased Amparo Bantigue in the sum of P1,000.00, the amount stolen, and the sum of P12,000.00. In Criminal Case No. 2565, for the killing of Luisa Jara, accused Felicisimo Jara was found guilty beyond reasonable doubt of the crime of parricide and meted out the maximum penalty of death while the two other accused were found guilty of homicide and sentenced to suffer an indeterminate penalty of twelve (12) years of prison mayor as minimum to twenty (20) years of

reclusion temporal as maximum. All the accused were ordered to indemnify jointly and severally the heirs of Luisa Jara in the sum of P12,000.00.

The information for the crime of robbery with homicide in Criminal Case No. 2564 reads as follows:

"That on or about the 9th day of June, 1978, about 1:30 o'clock in the morning, at Malvar St., Puerto Princesa City, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating together and mutually helping each other, with intent to kill, evident premeditation and treachery, after gaining entrance to the house thru the window, an opening not intended for entrance or egress, did then and there wilfully, unlawfully and feloniously strike with a hammer Amparo Vda. de Bantigue hitting her on the vital parts of her body and stab with a scissor while she was soundly sleeping in her bedroom with one Luisa Jara, thereby causing her instantaneous death as a result thereof, and that after killing Amparo Vda. de Bantigue, accused in conspiracy with each other, with intent to gain and without the consent of the owner thereof, took, stole and carried away a piggy bank and a buddha bank containing money in the amount of not more than P200.00, to the damage and prejudice of the heirs of Amparo Vda. de Bantigue, in the total amount of TWELVE THOUSAND TWO HUNDRED PESOS (P12,200.00) Philippine Currency.

"CONTRARY TO LAW and committed with aggravating circumstances of Recidivism with respect to accused Felicisimo Jara, the latter having been previously convicted of the crime of homicide in the Court of First Instance of Iloilo, and the aggravating circumstance against all the accused that the crime was committed with treachery, in the dwelling of the offended party, in the nighttime, and with respect to accused Reymundo Vergara and Roberto Bernadas, for having participated in the commission of the crime in consideration of a prize or reward."

In Criminal Case No. 2565, the information charged the accused as follows:

"That on or about June 9, 1978, at about 1:30 o'clock in the morning, at Malvar St., Puerto Princesa City, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating together and mutually helping each other with intent to kill, treachery and evident premeditation, did then and there wilfully, unlawfully and feloniously strike several times, with a hammer one Luisa Jara, who is the lawfully wedded wife of accused Felicisimo Jara, and thereafter, stabbed her with a scissor in her chest and abdomen, while the latter was soundly sleeping with one Amparo Vda. de Bantigue, resulting to the instantaneous death of said Luisa Jara, to the damage and prejudice of the heirs of said Luisa Jara in the amount of TWELVE THOUSAND (P12,000.00) PESOS, Philippine Currency.

"CONTRARY TO LAW and committed with the aggravating circumstances of Recidivism with respect to accused Felicisimo Jara, the latter having been previously convicted of the crime of homicide in the CFI of Iloilo, and the aggravating circumstance against all the accused, namely: (1) that the crime was committed in the dwelling of the offended party, (2) in the nighttime, (3) and treachery; and the aggravating circumstance against accused Reymundo Vergara and Roberto Bernadas of having participated in the commission of the crime in consideration of a prize or reward."

All the accused pleaded not guilty during the arraignment. On motion by the prosecution and the defense, the court a quo ordered a joint trial of the two cases which arose from one incident and where the witnesses are the same.

The facts according to the prosecution are as follows:

"At about 6:00 o'clock in the early morning of June 9, 1978, the waitresses at Alvin's Canteen situated in Malvar Street, Puerto Princesa City, wondered why their employer, the deceased Amparo Bantigue, did not answer when they called at her door that morning (p. 7, TSN, March 21, 1979). They went to the kitchen and peeped through a hole. They saw Amparo and Luisa Jara seemingly asleep. They again went to the door and knocked but still no answer came. The waitresses called one of Luisa Jara's waitresses at Aileen's canteen next

door. Becoming apprehensive, they went back to the kitchen for a second look. They discovered the following: Amparo and Luisa were both lying in bed; Luisa was dressed only in her underwear and there was dried blood in one of her hands; Amparo, seemingly asleep, lay beside her (pp. 9-11, TSN, March 21, 1979). Finally, they decided to inform Luisa's daughter, Minerva, about their apprehension. When they met Minerva at the public market, she tearfully accompanied them back to Amparo's room. When no one answered their knocking, Minerva kicked open the door. (pp. 11-12, TSN, March 21, 1979). Inside, they found the two women dead from wounds inflicted on their persons (p. 13, TSN, March 21, 1979).

"The husband of Luisa, appellant Felicisimo Jara, then entered the room and saw the condition of the victims (p. 15, TSN, March 21, 1979).

"Inside the room, several ceramic piggy banks belonging to Amparo containing coins estimated in the amount of P1,000.00 were missing (p. 43, TSN, February 6, 1979). Scattered underneath the window of Amparo's bedroom were coins and bits and pieces of what used to be ceramic piggy banks (Exh. F; pp. 17-20, TSN, Feb. 6, 1979).

"Later, two suspects in the killing, appellants Reymundo Vergara and Roberto Bernadas, were apprehended (pp. 59-60, TSN, March 19, 1979). After investigation, they confessed their guilt to the Provincial Commander of the Philippine Constabulary in Palawan and other police investigators (pp. 26-31, TSN, May 28, 1979). They also positively identified appellant Felicisimo Jara as the mastermind who had plotted the killing and who promised them a fee of P1,000.00 each for their participation (Exhibits O and N). Before the City Fiscal and First Assistant Fiscal of Puerto Princesa City, respectively, appellants Vergara and Bernadas subscribed and swore to their extra-judicial statements wherein they narrated their role and that of Felicisimo Jara in the killing (see Exhibits O and N).

"Thereafter, the killing was reenacted before the military authorities and the public, with appellants Vergara and Bernadas participating (p. 14, TSN, July 19, 1979)."

The autopsy reports (Exhibits "A" and "C") submitted by Dr. Rufino Ynzon, the City Health Officer of Puerto Princesa on the examination of the cadavers of the deceased victims indicate that death in both cases resulted from "hemorrhage, intra-cranial secondary to multiple comminuted-depressed fracture of the cranial bones". Amparo Bantique's wounds were described as follows:

"POST MORTEM FINDINGS

- Wound, macerated, roughly oval in shape, about 1 1/4 inches in length with depressed-comminuted fracture of the underlying bone located at the forehead, right, upper portion.
- Wound, macerated, roughly oval in shape, about 1 1/3 inches in length, with depressed-comminuted fracture of the underlying bone located at the forehead, central portion.
- Wound, macerated, roughly circular in shape, about 1 1/5 inches in length with depressed-comminuted fracture of the underlying bone located at the forehead, medially to the left eyebrow.
- Wound, macerated, roughly triangular in shape with depressed-comminuted fracture of the underlying bone located above the left eyebrow.
- Wound, macerated, elongated with fracture of the alveolar bone, located at the upper lip, central portion.
- Wound, macerated, elongated, about 3 1/2 inches in length with depressed-comminuted fracture of the underlying bone with brain tissue coming out located at the left parieto temporal region.
- Wound, macerated, elongated, about 2 1/2 inches in length with depressed comminuted fracture of the

underlying bone located at the left temporal region, anterior portion.

- Wound, macerated, elongated, about 2 inches in length, with depressed-comminuted fracture of the underlying bone, located at the left face.
- Wound, macerated, roughly oval in shape, about 2 inches in length, with depressed-comminuted fracture of the underlying bone, located at the right temporal region.
- Wound, macerated, elongated, about 2 inches in length with depressed-comminuted fracture of the underlying bone located at the right face.
- Wound, stabbed, about an inch in length at the right chest, between the 3rd and 4th intercostal space, penetrating the thoracic cavity involving the right lung.
- Wound, stabbed, about 1 inch in length, located at the chest, central portion, penetrating the sternum, then thoracic cavity piercing the right auricle, heart.
- Wound, stabbed, about 1 inch in length, located at the right upper abdomen penetrating the abdominal cavity involving the liver and stomach. (Exhibit "A")

CAUSE OF DEATH :

HEMORRHAGE INTRA-CRANIAL SEC. TO MULTIPLE COMMINUTED-DEPRESSED FRACTURE OF THE CRANIAL BONES."

On the other hand, Luisa Jara suffered from the following wounds:

"POST MORTEM FINDINGS

- Wound, macerated, roughly circular in shape, about 1 1/2 inches in diameter with depressed-comminuted fracture of the underlying bones, located at the right frontal region.
- Wound, macerated, with a letter T shape, about 2 inches in length, with depressed-comminuted fracture of the underlying bone, located at the central portion of the frontal region.
- Wound, macerated, roughly triangular in shape, about 1 1/2 inches in length with depressed-comminuted fracture of the underlying bone, located at the right side of the nose.
- Wound, macerated, roughly elongated in shape, about 1 inch in length, with depressed-comminuted fracture of the underlying bone, located at the left eyebrow, lateral portion.
- Wound, macerated, roughly oval in shape, about 2 inches in length, with depressed-comminuted fracture of the underlying bone, located at the left lateral portion of the forehead.
- Wound, macerated, roughly oval in shape, about 2 inches in length, with depressed-comminuted fracture of the underlying bone, located at the parietal region, left.
- Wound, macerated, roughly elongated in shape about 1 inch in length with depressed-comminuted fracture of the underlying bone, located at the temporal region, left.
- Wound, macerated, roughly elongated in shape, about 1 1/2 inches in length with depressed-comminuted fracture of the underlying bone, located at the temporal region, left.
- Wound, macerated, roughly stellate in shape, about 2 inches in length, with depressed-comminuted fracture of the underlying bone, located at the left mandibular region.

- Wound, macerated, roughly oval in shape, about 1 1/2 inches in length, with depressed-comminuted fracture of the underlying bone, located at the left face.
- Wound, incised, about 1 3/4 inches in length, located at the left upper portion of neck, left side.
- Wound, macerated, roughly elongated in shape, about 3 inches in length with depressed-comminuted fracture of the underlying bone, located at the right temporal region.
- Contusion with hematoma, circular in shape, located laterally from the right eyebrow.
- Wound, macerated, roughly elongated in shape about 2 inches in length with depressed-comminuted fracture of the underlying bone, located at the occipital region, upper portion.
- Wound, stabbed, about 1 inch in length, located at the chest, central portion penetrating inside the thoracic cavity involving heart and lung.
- Wound, stabbed, about 1 inch in length, located at the level of xyphoid process penetrating the thoracic cavity involving the right lung, lower lobe. (Exhibit "C")

CAUSE OF DEATH :

HEMORRHAGE, INTRA-CRANIAL, SEC. TO MULTIPLE COMMINUTED-DEPRESSED FRACTURE OF THE CRANIAL BONES."

Felicisimo Jara denied the charge that he was the one who killed his wife, Luisa, together with her friend, Amparo Bantigue. He interposed alibi as a defense and testified that at the time the killings took place at Alvin's Canteen at Malvar Street, Puerto Princesa City, he was fast asleep with his grandchildren at his stepdaughter's house in Pineda Subdivision. The other accused, Reymundo Vergara and Roberto Bernadas retracted their respective extra-judicial confessions admitting their participation in the crimes charged and identifying their "mastermind" as the accused Jara during proceedings before the Inquest Fiscal. They contested the admissibility of the extra-judicial confessions and the subsequent re-enactment of the crime on the ground that their participations in these occasions were not free and voluntary and were without the benefit of counsel.

The court below ruled that the extra-judicial confessions of the accused Bernadas and Vergara (Exhibits "N" and "O", respectively), together with the proof of corpus delicti of the special crime of robbery with homicide established the guilt of the accused beyond moral certainty.

In their brief, the accused-appellants contended that the court a quo erred:

I

IN CONVICTING THE ACCUSED DESPITE THE UTTER ABSENCE OF ANY KIND OF EVIDENCE, DIRECT OR CIRCUMSTANTIAL.

II

IN ADMITTING THE ALLEGED EXTRAJUDICIAL CONFESSIONS OF ACCUSED-APPELLANTS REYMUNDO VERGARA AND ROBERTO BERNADAS WHICH WERE TAKEN THRU FORCE AND WITHOUT BENEFIT OF COUNSEL.

III

IN ADMITTING THE ALLEGED EXTRAJUDICIAL CONFESSIONS OF ACCUSED-APPELLANTS REYMUNDO VERGARA AND ROBERTO BERNADAS AGAINST THEIR CO-ACCUSED-APPELLANT FELICISIMO JARA.

IV

IN FINDING THE PRESENCE OF CONSPIRACY DESPITE THE ABSENCE OF PROOF THEREOF.

V

IN ALLOWING THE PLAYING OF AN ALLEGED TAPED CONFESSION.

VI

IN ADMITTING THE PICTURES, EXHS. "T" TO "T-23", WHICH WERE NEVER PROPERLY IDENTIFIED.

All these assigned errors boil down to the issue of whether or not there is sufficient evidence as borne by the records to establish the guilt of the accused beyond reasonable doubt.

Section 20, Article IV of the Constitution provides:

"No person shall be compelled to be a witness against himself. Any person under investigation for the commission of an offense shall have the right to remain silent and to counsel, and to be informed of such right. No force, violence, threat, intimidation, or any other means which vitiates the free will shall be used against him. Any confession obtained in violation of this section shall be inadmissible in evidence."

There is no dispute that the confessions in these cases were obtained in the absence of counsel. According to the records, there was a waiver by the accused-appellants of their right to counsel.

Was the waiver valid?

We are constrained to answer this question in the negative.

Before the extra-judicial confession of appellant Bernadas was reduced to writing, Pfc. Henry E. Pulga, in the presence of four other police officers, made the following "Pasubali" followed by the answer, "Opo":

"PASUBALI:

Ikaw ay nasa ilalim ng isang pagsisiyasat at dahil dito ay ipinababatid namin sa iyo ang iyong mga karapatan na sa ilalim ng ating Bagong Saligang Batas ay: ikaw ay may karapatang kumuha ng isang manananggol o abogado ayon sa sarili mong pili; mayroon ka ring karapatan na hindi maaaring piliting sumagot sa anumang itatanong sa iyo sa alinmang Hukuman sa Pilipinas. Nauunawaan mo ba ang lahat ng mga ipinaliwanag namin sa iyo ngayon?

"SAGOT:

Opo."

Likewise, in the case of the accused Vergara, the foreword of his signed sworn statement reads:

"TANONG:

Marunong po ba kayong sumulat bumasa ng tagalog at umunawa ng wikang tagalog na siya nating gagamitin sa pagsisiyasat na ito?

"SAGOT:

Nakakaunawa po ako at nakakabasa pero sa pagsulat ay hindi masyado.

"PALIWANAG:

Kung gayon po ay ipinababatid ko sa inyo ang inyong karapatan na kayo ay maaaring manatiling tahimik kung inyong nais, magbigay o tumanggap magbigay ng inyong salaysay, maari din na kayo ay sumangguni muna sa isang abogado kung nais ninyo at ang lahat po ng inyong sasabihin ay maaring gamiting pabor o laban sa inyo sa alinmang Hukuman dito sa ating kapuluan ngayong alam na ninyo ang ilan sa inyong karapatan kayo po ba naman ay handa na ngayong magsalaysay kahit na kayo ay wala pang abogado kahalap na siyang mangangalaga sa inyong karapatan at lahat po ng inyong sasabihin ay pawang katutuhanan lamang?

"SAGOT:

Opo.

(SGD.) REYMUNDO VERGARA DELA CRUZ**"PATUNAY:**

Ako si Reymundo Vergara dela Cruz ay nagsasaad na ipinaalam sa akin ang aking karapatang manatiling tahimik, kung aking nanaisin, na ang lahat na aking sasabihin ay maaring gamiting pabor o laban sa akin at nalaman ko rin na ako ay maaaring kumuha ng sarili kong abogado na siyang nangangalaga ng aking karapatan na kung hindi ko kayang kumuha ay bibigyan ako ng pamahalaan.

Nauunawaan ko ang mga karapatang ito, handa at kusang loob akong nagbibigay ng aking salaysay ngayon, sa tanong at sagot na paraan. Hindi ko na kailangan ang tulong ng isang abogado, nauunawaan ko ang aking ginagawa, walang pananakot, pananakit, pangako, pabuya o anuman na ginawa sa akin upang ako ay magsalaysay. Ito ay sarili kong kagustuhan.

(SGD.) REYMUNDO VERGARA DELA CRUZ"

This stereotyped "advice" appearing in practically all extra-judicial confessions which are later repudiated has assumed the nature of a "legal form" or model. Police investigators either automatically type it together with the curt "Opo" as the answer or ask the accused to sign it or even copy it in their handwriting. Its tired, punctilious, fixed, and artificially stately style does not create an impression of voluntariness or even understanding on the part of the accused. The showing of a spontaneous, free, and unconstrained giving up of a right is missing.

Whenever a protection given by the Constitution is waived by the person entitled to that protection, the presumption is always against the waiver. Consequently, the prosecution must prove with strongly convincing evidence to the satisfaction of this Court that indeed the accused willingly and voluntarily submitted his confession and knowingly and deliberately manifested that he was not interested in having a lawyer assist him during the taking of that confession. That proof is missing in this case.

The records sustain the appellants' contention that their extra-judicial confessions bear clear earmarks of illegality and improbability.

The Solicitor General gives the following arguments for voluntariness:

"An extra-judicial confession is generally presumed to have been voluntarily executed (*People v. Castañeda*, 93 SCRA 56). The confessant carries the burden of convincing the trial judge that his admissions are involuntary or untrue (*People v. Ramos*, 94 SCRA 842).

"The trial court in this case was not convinced that the extra-judicial confessions of appellants were made involuntarily. Consider the following reasons for the court's refusal to lend credence to appellants' claim:

"(1) Apart from appellants' self-serving claim, no other evidence on record supports the allegation of involuntariness (People v. Villa, 93 SCRA 716).

"(2) On the contrary, several prosecution witnesses testified that the confessions were voluntarily given.

"(3) Appellants' oral and written confessions given at various times to several investigating authorities, not to mention the public re-enactment of the crime itself, did not vary and they revealed details only the assailants could have possibly known (People v. Ty Sui Wong, 83 SCRA 125; People v. Bautista y Aquino, 92 SCRA 465).

"(4) Appellants' confessions were corroborated by the existence of corpus delicti established by independent evidence (People v. Francisco, 93 SCRA 351).

"(5) The claim of coercion cannot prevail over the testimony of the subscribing fiscal that said confession was voluntary (People v. Caramonte, 94 SCRA 150)."

The People v. Castañeda ruling applies to a crime committed before the Bill of Rights was amended to include Section 20 on the right to remain silent and to counsel and to be informed of such right. The presumption that "no one would declare anything against himself unless such declarations were true" assumes that such declarations are given freely and voluntarily. The new Constitution, in expressly adopting the so-called Miranda v. Arizona (384 U.S. 436) rule, has reversed the presumption. The prosecution must now prove that an extra-judicial confession was voluntarily given, instead of relying on a presumption and requiring the accused to offset it. There would have been no need to amend the centuries old provisions of the Bill of Rights and to expressly add the interdiction that "no force, violence, threat, intimidation, or any other means which vitiates the free will shall be used against him (the person being investigated)" if the framers intended us to continue applying the pre-1973 or pre-amendment presumptions.

Miranda v. Arizona, in explaining the rule which the U.S. Supreme Court adopted, states:

"While the admissions or confessions of the prisoner, when voluntarily and freely made, have always ranked high in the scale of incriminating evidence, if an accused person be asked to explain his apparent connection with a crime under investigation, the ease with which the questions put to him may assume an inquisitorial character, the temptation to press the witness unduly, to browbeat him if he be timid or reluctant, to push him into a corner and to entrap him into fatal contradictions, which is so painfully evident x x x made the (continental) system so odious as to give rise to a demand for its total abolition."

It is natural and to be expected that the police officers who secured the confessions in these cases should testify that the statements were voluntarily given. However, the records show that the interrogations were conducted incommunicado in a police-dominated atmosphere. When appellant Bernadas gave his confession, his companions in the room were five police officers. The only people with Vergara when he confessed were also police investigators.

We quote some more passages from Miranda:

"Again we stress that the modern practice of in-custody interrogation is psychologically rather than physically oriented. As we have stated before, 'Since Chambers v. Florida, 309, US 227 [84 L ed 716, 60 S Ct 472], this Court has recognized that coercion can be mental as well as physical, and that the blood of the accused is not the only hallmark of an unconstitutional inquisition.' Blackburn v. Alabama, 361 US 199, 206, 4 L ed 2d 242, 247, 80 S Ct 274 (1960). Interrogation still takes place in privacy. Privacy results in secrecy and this in turn results in a gap in our knowledge as to what in fact goes on in the interrogation rooms. A valuable source of information about present police practices, however, may be found in various police manuals and texts which document procedures employed with success in the past, and which recommend various other effective tactics.

These texts are used by law enforcement agencies themselves as guides. It should be noted that these texts professedly present the most enlightened and effective means presently used to obtain statements through custodial interrogation. By considering these texts and other data, it is possible to describe procedures observed and noted around the country.

"The officers are told by the manuals that the 'principal psychological factor contributing to a successful interrogation is privacy--being alone with the person under interrogation.' The efficacy of this tactic has been explained as follows:

"If at all practicable, the interrogation should take place in the investigator's office or at least in a room of his own choice. The subject should be deprived of every psychological advantage. In his own home he may be confident, indignant, or recalcitrant. He is more keenly aware of his rights and more reluctant to tell of his indiscretions or criminal behavior within the walls of his home. Moreover his family and other friends are nearby, their presence lending moral support. In his own office, the investigator possesses all the advantages. The atmosphere suggests the invincibility of the forces of the law.'

"To highlight the isolation and unfamiliar surroundings, the manuals instruct the police to display an air of confidence in the suspect's guilt and from outward appearance to maintain only an interest in confirming certain details. The guilt of the subject is to be posited as a fact. The interrogator should direct his comments toward the reasons why the subject committed the act, rather than court failure by asking the subject whether he did it. Like other men, perhaps the subject has had a bad family life, had an unhappy childhood, had too much to drink, had an unrequited desire for women. The officers are instructed to minimize the moral seriousness of the offense, to cast blame on the victim or on society. These tactics are designed to put the subject in a psychological state where his story is but an elaboration of what the police purport to know already - that he is guilty. Explanations to the contrary are dismissed and discouraged.

"The texts thus stress that the major qualities an interrogator should possess are patience and perseverance. One writer describes the efficacy of these characteristics in this manner:

"In the preceding paragraphs emphasis has been placed on kindness and stratagems. The investigator will, however, encounter many situations where the sheer weight of his personality will be the deciding factor. Where emotional appeals and tricks are employed to no avail, he must rely on an oppressive atmosphere of dogged persistence. He must interrogate steadily-and without relent, leaving the subject no prospect of surcease. He must dominate his subject and overwhelm him with his inexorable will to obtain the truth. He should interrogate for a spell of several hours pausing only for the subject's necessities in acknowledgment of the need to avoid a charge of duress that can be technically substantiated. In a serious case, the interrogation may continue for days, with the required intervals for food and sleep, but without respite from the atmosphere of domination. It is possible in this way to induce the subject to talk without resorting to duress or coercion. The method should be used only when the guilt of the subject appears highly probable.'" (384 US at pp. 448-451)

The cited police manuals state that the above methods should be used only when the guilt of the subject appears highly probable. As earlier stated, the investigators in the cases now before us appear to have been convinced that the accused-appellants were the culprits. Nonetheless, the evils of incommunicado interrogations without adequate safeguards to insure voluntariness could still result in the conviction of innocent persons. More important, what the Constitution commands must be obeyed even at the risk of letting even hardened criminals mix once more with the law-abiding world.

As to the re-enactment, the extra-judicial confessions served as a script for what was to follow. Pictures re-enacting a crime which are based on an inadmissible confession are themselves inadmissible.

There are other factors to be considered in these cases. Vergara and Bernadas had been detained for more than

two (2) weeks before they decided to give "voluntary" confessions. We doubt if it was two weeks of soul-searching and introspection alone which led them to confess. There must have been other persuasions.

There were two sensational murder cases in Palawan which preceded the killings now before us. The PC command and the Integrated National Police were under pressure to "solve" these additional sensational killings.

The counsel for appellants mentions a factor not refuted by the appellee in its brief, namely:

"LT. COL. SABAS IMBONG, SGT. EUGENIO ENRIQUEZ, PFC. HENRY PULGA and CPL. ADOLFO JAGMIS - all are connected with the Provincial Constabulary Command which investigated the case, prematurely publicized the solution of the case with the alleged 'extrajudicial confessions' of two (2) accused, but who were rebuffed when the two (2) accused, upon the first opportunity to do so in public, which was the preliminary investigation, recanted and retracted their alleged 'extrajudicial confessions' as they were taken with the use of force, violence, and intimidation, was prepared by the investigators themselves, and without benefit of counsel.

"All are comrades in-arms of Pat. Mamerto Bantigue, who is the son of the deceased Amparo Bantigue. Pat. Bantigue was implicated in several coercion and physical injuries cases filed with the City Court by persons who had been physically attacked and violated by him in connection with the murder of his mother. Likewise, he evaded justice by escaping from the law after murdering a companion of accused Jara and attempting to kill the latter. He remains at large."

A PC Sergeant, Oscar Ponce de Leon, assigned at the PC Medical Dispensary, testified that he treated Roberto Bernadas for cigarette burns and Reymundo Vergara for a wound at the tip of his right hand. While the medicine he applied was only merthiolate, the possibility cannot be discounted that in addition to the psychological ploys of incommunicado questioning, lighted cigarettes and other means of persuasion which leave physical marks were also utilized to secure the confessions.

Accused Reymundo Vergara was given an opportunity to go scot free by turning state witness. He refused.

Apart from their extra-judicial confessions, no other evidence to implicate Bernadas and Vergara as perpetrators of the killing was introduced by the prosecution. Since these confessions are inadmissible in evidence, the two appellants have to be acquitted.

The strongest evidence against Felicisimo Jara are the extra-judicial confessions of his two co-accused. Bernadas and Vergara point to Jara as the one who bludgeoned the two victims with a hammer and then used a pair of scissors in inflicting the stab wounds. He was also alleged to have offered them P1,000.00 each if they would help him in the killing of his wife.

However, since the confessions of Bernadas and Vergara are inadmissible against them, with more reason can they not be used against Jara.

Apart from the above extra-judicial confessions, other circumstantial evidence was presented to support a verdict of conviction. Would such evidence in the absence of the extra-judicial confessions be sufficient to overturn the presumption of innocence in favor of the accused Jara?

Evidence attesting to the fact that accused Jara and his wife had not been in good terms for about three years before the killings was presented. They used to quarrel with each other and they had not been sleeping together since the deceased Luisa Jara slept at Alvin's Canteen together with the other deceased Amparo Bantigue. Godofredo Anasis, nephew of Luisa Jara, testified that his aunt was a "tomboy" and that she and Amparo Bantigue lived together as "husband and wife". The two went to the movies together. The relationship of the two women angered Felicisimo Jara and was a cause of their frequent quarrels. He resented not only his wife but also

her woman companion.

The testimony on the fact of Luisa Jara and Amparo Bantigue sleeping together is corroborated by the fact that they were bludgeoned to death while sleeping on one bed and their bodies discovered on that same bed. At the Aileen's Canteen managed by the deceased Luisa, accused Felicisimo Jara did the cooking and whenever he committed even the slightest mistakes, his wife scolded and cursed him, treating him as though he were only one of the servants of the restaurant. (TSN, May 31, 1979, pp. 1821-1830). The records are replete with testimony to show that Felicisimo Jara had reason to hate his wife enough to kill her and her companion.

The lower court, in its decision, stated that the nature and the number of wounds, reflected in the autopsy reports, convincingly show that only a person who had harbored so much hate and resentment could have inflicted such multiple fatal blows. It opined that accused Jara is the only person who would have sufficient motive to wish the death of the deceased for he had not been treated well as a husband by his wife.

During the investigation at the scene of the crime, blood stains were found splattered in the trousers and shirt worn by accused Jara. His eyeglasses were also smeared with blood. When asked to explain the presence of said blood stains, accused Jara told the police that before he learned about the killing, he was with his stepdaughter Minerva Jimenez in the public market dressing chickens. (TSN, May 28, 1979, pp. 397-398) He also said in his testimony in open court that when he saw his wife lying dead on the bed, he approached her and hugged her in his effort to wake her up. (TSN, September 30, 1980, p. 1230) After a laboratory examination of the eyeglasses (Exhibit "I"), trousers (Exhibit "J"), and shirt (Exhibit "K"), the NBI biologist verified in her report that the blood stains were not chicken blood but human blood (Exhibit "L"). The blood stains found in accused Jara's trousers formed certain identical circular patterns, a splattering of blood which, according to the NBI biologist, could be caused by an instrument like that of a hammer. Such circular patterns will only occur at the time of the impact of the instrument, the very moment it hits the victim. He further explained that there was no possibility of the splattering of blood if the victim died hours before because blood starts to coagulate or clog 15 minutes after the wound is caused. (TSN, March 19, 1979, pp. 227; 244; 248-250) The blood of the deceased victims in the case at bar had already coagulated in the morning of June 9, 1978 when accused Jara claimed that the blood stains on his shirt were smudged when he hugged his wife.

The NBI biologist, whose findings were later signed by the Chief of the Forensic Chemistry Division testified that human blood was found on the eyeglasses of appellant Jara, on the front side lower portion of the left leg of the trousers, at the left buttocks of the pants and the back portion near the trousers, and smudged human blood stains on the appellant's T-shirt. The human blood stains were Type B. A failure to get evidence on the blood types of the two victims keeps this second circumstantial evidence, together with the clear motive, from being well-nigh conclusive. However, it is still strong evidence in the chain of circumstances pointing to Jara as the killer of his wife.

Another circumstance is the cover-up attempt by Jara. He lied about the blood on his clothes and eyeglasses. He falsely claimed that the blood came from the chickens he had been slaughtering for the market. There is no explanation about the source and cause of the human blood stains splattered all over him.

There is no question that appellant Jara was at the scene of the crime. Upon the discovery of the bodies and the forcible opening of the door, Jara was with the group. He went through the motions of embracing his wife although the observers noted that even in death, there was no love lost between husband and wife. One of the waitresses at the Alvin's Canteen who saw accused Jara's reaction as he entered the room where the victims lay dead observed that he shed no tears and his face did not show any indication of sorrow (TSN, March 21, 1979, pp. 373-374).

The hammer used in the killing is an instrument with which appellant Jara is familiar. It was proven during the trial of the case that the hammer with the letter "A" on its handle which was one of the instruments used in the perpetration of the crime belonged to Luisa Jara who had kept it at Aileen's Canteen where her husband, appellant Jara helped as cook.

Rule 133, Section 5 of the Rules of Court provides:

"Circumstantial evidence, when sufficient. -- Circumstantial evidence is sufficient for conviction if:

"(a) There is more than one circumstance;

"(b) The facts from which the inferences are derived are proven; and

"(c) The combination of all the circumstances is such as to produce a conviction beyond a reasonable doubt."

(See *People v. Duero*, 136 SCRA 515).

Circumstantial evidence, as a basis for conviction of crime, should be acted on and weighed with great caution, particularly where the crime is heinous and the penalty is death, as in the instant cases. In determining the sufficiency of circumstantial evidence to support a conviction, each case is to be determined on its own peculiar circumstances and all of the facts and circumstances are to be considered together as a whole, and, when so considered, may be sufficient to support a conviction, although one or more of the facts taken separately would not be sufficient for this purpose. (23 CJS p. 555). No general rule has been formulated as to the quantity of circumstantial evidence which will suffice for any case, but that matters not. For all that is required is that the circumstances proved must be consistent with each other, and at the same time inconsistent with the hypothesis that he is innocent and with every other rational hypothesis except that of guilt. (*People v. Contante*, 12 SCRA 653).

The requirements for circumstantial evidence to sustain a conviction are present in this case. The aforementioned circumstances constitute an unbroken chain leading to one fair and reasonable conclusion which points to the guilt of the accused Jara beyond reasonable doubt (See *US v. Villos*, 6 Phil. 510; *People v. Subano*, 73 Phil. 692). Mere denials of the accused as to his participation in the crime are only self-serving negative evidence which cannot outweigh circumstantial evidence clearly establishing his active participation in the crime.

The defense of alibi given by the accused Jara is weak. Aside from himself, the only person who vouched for his presence at some place away from the scene of the crime was his stepdaughter from whom he had sought abode. Hence, the alibi is made more dubious considering that no other credible persons were presented who would, in the natural order of things be best situated to support the tendered alibi (*People v. Cabanit*, 139 SCRA 94, citing *People v. Brioso*, 37 SCRA 336; *People v. Bagasala*, 39 SCRA 236; *People v. Carino*, 55 SCRA 516). More importantly, the defense of alibi cannot prosper because it is not enough to prove that defendant was somewhere else when the crime was committed. He must, likewise, demonstrate that it was physically impossible for him to have been at the scene of the crime at that time (*People v. Alcantara*, 33 SCRA 812). Such proof is wanting in this case.

The killing of Amparo Bantigue was marked by treachery and evident premeditation. The trial court noted recidivism insofar as Felicisimo Jara, previously convicted of homicide, was concerned together with dwelling and nighttime. However, the supposed robbery of the piggy bank and Buddha bank is proved only by the extra-judicial statements found inadmissible. The offense against Bantigue was simple murder. Insofar as the parricide case is concerned against accused Jara, the lower court did not err in finding guilt as having been established beyond reasonable doubt.

WHEREFORE, the judgment of the lower court is MODIFIED as follows:

In Crim. Case No. 2564, the accused Bernadas and Vergara are ACQUITTED of the crime of ROBBERY with HOMICIDE on the ground of reasonable doubt. Accused Jara is CONVICTED of the crime of MURDER and is sentenced to suffer the penalty of death.

In Crim. Case No. 2565, the accused Bernadas and Vergara are likewise ACQUITTED of the crime of HOMICIDE on the ground of reasonable doubt. Accused Jara is CONVICTED of the crime of PARRICIDE and is sentenced to suffer the penalty of death.

Considering, however, that the accused Jara is now over 70 years of age, the penalty of death is lowered to reclusion perpetua.

In both cases, accused Jara is ordered to indemnify the heirs of the deceased Amparo Bantigue and Luisa Jara in the amount of THIRTY THOUSAND PESOS (P30,000.00), respectively.

SO ORDERED.

Teehankee, C.J., Feria, Yap, Fernan, Narvasa, Melencio-Herrera, Alampay, Cruz, Paras, and Feliciano, JJ., concur.

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.