

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RONILO PINLAC Y LIBAO, ACCUSED-APPELLANT.

G.R. Nos. 74123-24. September 26, 1988

Ponente: PARAS, J.

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PARAS, J.:

The Decision of the Regional Trial Court, Branch CXLV (145) Makati, Metro Manila dated March 18, 1986 rendered jointly in its Criminal Case No. 10476 and Criminal Case No. 10477, is before Us on automatic review. Therein, accused Ronilo Pinlac y Libao was charged in two (2) separate information, as follows:

Re: Criminal Case No. 10476

“That on or about the 8[th] day of April, 1984, in the Municipality of Makati, Metro Manila, Philippines, and within the jurisdiction of this Honorable Court, the above named accused RONILO PINLAC y LIBAO, with intent to gain and by means of force and violence upon things, did, then and there willfully, unlawfully and feloniously enter the house of KOJI SATO, by detaching the four (4) pieces of window jalousies and destroying the aluminum screens of the servant’s quarters and entered through the same, an opening not intended for entrance or egress, and once inside, took, robbed and carried away the following articles, to wit:

Cash amount and/or cash money

P180.00

Alba (Seiko) wrist watch

P300.00

Gold necklace with pendant of

Undetermined value,

to the damage and prejudice of the owner KOJI SATO, in the aforesaid total amount of P480.00 and a necklace of undetermined value.”

Re: Criminal Case No. 10477

“That on or about the 8[th] day of April, 1984, in the Municipality of Makati, Metro Manila, Philippines, and within the jurisdiction of this Honorable Court, the above named accused, RONILO PINLAC y LIBAO, with intent to gain and by means of force and violence upon things, did, then and there willfully, unlawfully and feloniously enter the house of SAEKI OSAMU, by slashing the screen wall of his house and entered through the same, an opening not intended for entrance or egress and once inside, took, robbed and carried away a Hitachi Casette tape recorder of undetermined value, belonging to the said SAEKI OSAMU, to the damage and prejudice of the owner thereof, in the amount of undetermined value.

“That on the occasion of the said Robbery, the above named accused, RONILO PINLAC y LIBAO in order to

insure the commission of the said Robbery, with deliberate intent to kill and without justifiable cause, did, then and there willfully, unlawfully and feloniously attack, assault and stab one SAEKI OSAMU, several times with a kitchen knife he was then provided with, thereby causing several mortal wounds on the person of the said SAEKI OSAMU, which directly caused his death.

After said accused entered a plea of not guilty, the cases proceeded to trial. On March 18, 1986, the trial court rendered its now assailed decision finding the accused guilty as charged with the dispositive portion thereof reading as follows:

“WHEREFORE, premises considered, the Court hereby renders judgment:

- In Criminal Case No. 10476 — finding accused, Ronilo Pinlac y Libao, guilty beyond reasonable doubt of the crime of robbery, and sentencing him to suffer imprisonment of SIX (6) YEARS of prision correccional, as minimum, to EIGHT (8) YEARS and ONE (1) DAY of prision mayor, as maximum, and to pay the offended party, Koji Sato, in the amount of Five Hundred Pesos (P500.00), Philippine Currency, without subsidiary imprisonment in case of insolvency, and to pay the costs. He is credited in the service of his sentence with the full time during which he has undergone preventive imprisonment.

- In Criminal Case No. 10477 — finding accused, Ronilo Pinlac y Libao, guilty beyond reasonable doubt of the crime of robbery with homicide, and sentencing him to the supreme penalty of DEATH, and to pay the heirs of the victim, Saeki Osamu, the sum of Thirty Thousand Pesos (P30,000.00), Philippine Currency, and to pay the costs.”

The facts of the case as summarized by the trial court in its decision are —

"Long before April 1984, two Japanese nationals were neighbors in San Lorenzo Village, Makati, Metro Manila.

Mr. Koji Sato, 27 years old, married and a mechanical engineer by profession rented house at No. 32 Arguilla Street in the said plush subdivision. He was living alone in said house, although he had a housemaid by the name of Irene Jandayan, who started working for him in 1981, and a cook by the name of Delia Marcelino. The latter was employed for almost a year, she went on maternity leave three days before the end of February 1984, since she was due to deliver a child with her husband, Pinlac, who had frequently visited her in Sato's place.

A low concrete fence separated the house rented by Sato from that rented by Mr. Saeki Osamu, 35 years old, whose house is No. 34 in the same street. The latter, whose wife, Hiroko Saeki, was in the same address but who returned to Japan sometime after his untimely demise, was a staff member of the Japan International Cooperation Agency in the Philippines.

April 7, 1984, fell on a Saturday. The following day was Jandayan 's day-off. According to arrangement she was allowed to begin her day-off in the evening of Saturday.

At around five o'clock in the afternoon of April 7th Sato went out of his house. At around 6:45 following, Jandayan also left the house in order to go home to Novaliches, Quezon City. But before leaving the house Jandayan saw to it that the windows and doors were securely closed and locked. It was only in the morning of the following Monday that Jandayan returned to her employer's residence.

Returning home at around 11:30 in the evening of the same day, Sato noticed that the front door was already unlocked. Upon returning to his room upstairs he discovered that his Walkman transistor which was placed beside his bed was already missing. He searched for it upstairs, downstairs and around the house. It was only

after entering Jandayan's room that he found his transistor together with his two wrist watches (he was then wearing one), cigarette lighter and eyeglass case. Another watch, an Alba Seiko, which he bought in Japan for 7,000 yen (the approximate equivalent of P300.00), a gold necklace which had sentimental value because given to him as a gift, and cash money amounting to P180.00, were all missing. They were never recovered.

Sato thereafter went to the Makati Police Station to report the robbery. He requested some policemen to repair to his residence to investigate. It was when the police investigators had already reached his residence that he learned about the death of Osamu.

On April 8, 1984, police detective Renato Mallari, together with detectives Evelio Bactad, Alex Samson, Isagani Viclar and police sergeant Vicente Flores, acting upon a report, went to the Makati Medical Center where Osamu was rushed to. Learning that Osamu died upon arrival in the hospital, they proceeded to No. 34 Arguilla Street. Thereat Viclar took photographs from different angles of the scene of the crime. The death weapon, the kitchen knife marked Exhibit "Q" was recovered from the living room of the house. This was later turned over to the PC crime laboratory for chemical examination. Blood was scattered in the living room. The telephone cord in the living room was cut off. Going around the house the investigators saw the slashed screen wall near the back door. Several footprints were found in the backyard; these correspond to the impressions of the soles of Pinlac's shoes (Exhibit R). Osamu's maid, Evelyn Salomea, was investigated. She revealed that she saw Pinlac enter the house of Sato at seven o'clock in the evening, although she did not see him leave thereafter; and that Jandayan has knowledge of the address of Marcelino. Her two statements were introduced in evidence as Exhibits "Z" and "AA". Subsequently, the policemen went to Marcelino's residence in Taguig, Metro Manila and, finding Pinlac thereat, invited him to the police station. Detective Samson (who also took the witness stand) opined that the killer made his entry by removing the panels of jalousies at the rear of the house and that fingerprints were lifted from the victim's house. Policemen Mallari submitted his final report Exhibit "X", regarding this incident.

Upon returning to her room at seven o'clock in the morning of April 9, 1984, Jandayan saw that almost one-half of the jalousies were detached and that her room was dirty. In the afternoon of the same day (4:35 P.M.) she gave her sworn statement marked Exhibit "B". She told the investigator that in the morning of April 6 she was called by Pinlac thru the telephone to inform that she had a letter from his wife. That she had to go to the guardhouse to get the letter from him since he was not allowed to enter the subdivision; that at eight o'clock in the afternoon of the same day Pinlac again called her to inquire about her reply; that she again went to the guardhouse to deliver to Pinlac her reply letter to Marcelino and the sum of Fifty Pesos which she owed her.

At around 8:30 o'clock in the evening of April 9[th,] Sgt. Flores extracted the extra-judicial confession of Pinlac (Exhibits "F", "F-1" and "F-2")." (pp. 65-67, Rollo)

The foregoing findings of fact are vigorously denied by the accused. His version of the incident is that —

"From 9:00 P.M., on April 7, 1984 up to 11:00 P.M., the accused has never left the premises of his house; this fact was corroborated by defense witness Barcelino Herais who noticed accused's presence in the premises as he and his children were then practising their musical instrument that evening.

At about 2:00 P.M., April 9, 1986, three (3) Policemen, came to his house in Taguig and arrested the accused for robbing Mr. Sato and for killing Mr. Osamu, without any Warrant of Arrest shown to him despite his demand. Before he was brought first to the houses of Mr. Sato and Mr. Osamu; walked him around and showed him the destroyed window; and thereafter brought him inside the house. In short, he was ordered to reenact according to what the police theorized how the crime was committed. It was at this moment that the prints of the sole of accused's shoes were all over the premises of Osamu and Sato's houses.

During the investigation at the Police Headquarters in Makati, Metro Manila, he was tortured and forced to admit the crimes charged and as a result of that unbearable physical torture, his lips and mouth suffered cuts and cracks to bleed furiously; end that blood dripped into his clothings down to his shoes, thus explains why

there are blood stains in his shoes. Before and during the arrest, the police officers have never mentioned about the stain of blood in accused's shoes which they could have easily detected during the arrest. They got his shoes only after it were stained with blood oozing from accused's lips and mouth as a result of the injuries he sustained from the torturers.

It was on that evening of April 9, 1986 at about 9:00 o'clock, when accused could no longer bear the torture starting from 2:00 P.M. for seven (7) solid hours when he ultimately succumbed to the wishes of his torturers and finally signed a prepared confession which he was not even allowed to read, nor explained to him. The police investigators did not even wait in the following morning for the accused to sign the same considering that said confession was subscribed only on the following day April 10, 1986 by a certain Assistant Fiscal." (pp. 53-54, Rollo)

In assailing his conviction, the accused (now petitioner) contends that the trial court erred in admitting in evidence his extra-judicial confession, which was allegedly obtained thru force, torture, violence and intimidation, without having been apprised of his constitutional rights and without the assistance of counsel.

Numerous factors combine to make the appeal meritorious. The prosecution evidence leaves much to be desired. No direct evidence or testimony of any eyewitness was presented identifying the accused as the perpetrator of the crime charged. The only evidence furnished by the police authorities were merely circumstantial evidence regarding the fingerprints of the accused found in the window slabs of the maid's quarters and in the kitchen cabinet in the house of Mr. Sato. But this was satisfactorily explained by the accused to the effect that aside from being a frequent visitor in the house of Mr. Sato where his wife works as a cook wherein at those times he could have unknowingly left his fingerprints, but most especially during the time when he was arrested and ordered to reenact. In the process he held some of these window slabs, walls, furniture, etc., in accordance with the order of the arresting officer. The only evidence presented by the prosecution which could have been fatal, is the extra-judicial confession of the accused, which is now being assailed as violative of the Constitution.

In the case of *People vs. Galit*, G.R. No. 51770, promulgated on March 20, 1985, which cite the case of *Morales vs. Ponce Enrile*, 121 SCRA 538, this Court reiterate the correct procedure for peace officers to follow when making arrest and in conducting a custodial investigation. Therein, We said —

"7. At the time a person is arrested, it shall be the duty of the arresting officer to inform him of the reason for the arrest and he must be shown the warrant of arrest, x x x. He shall be informed of his constitutional rights to remain silent and to counsel and that any statement he might make could be used against him. The person arrested shall have the right to communicate with his lawyer, a relative, or anyone he chooses by the most expedient means — by telephone if possible — or by letter or messenger. It shall be the responsibility of the arresting officer to see to it that this is accomplished. No custodial investigation shall be conducted unless it be in the presence of counsel engaged by the person arrested, by any person on his behalf, or appointed by the court upon petition either of the detainee himself or by anyone in his behalf. The right to counsel may be waived but the waiver shall not be valid unless made with the assistance of counsel. Any statement obtained in violation of the procedure herein laid down, whether exculpatory or inculpatory in whole or in part shall be inadmissible in evidence." (pp. 19-20, 139 SCRA)

When the Constitution requires a person under investigation "to be informed" of his right to remain silent and to counsel, it must be presumed to contemplate the transmission of a meaningful information rather than just the ceremonial and perfunctory recitation of an abstract constitutional principle. As a rule, therefore, it would not be sufficient for a police officer just to repeat to the person under investigation the provisions of the Constitution. He is not only duty-bound to tell the person the rights to which the latter is entitled; he must also explain their effects in practical terms, (See *People vs. Ramos*, 122 SCRA 312; *People vs. Caguia*, 95 SCRA 2). In other words, the right of a person under interrogation "to be informed" implies a correlative obligation on the part of the police

investigator to explain, and contemplates an effective communication that results in understanding what is conveyed. Short of this, there is a denial of the right, as it cannot truly be said that the person has been "informed" of his rights. (*People vs. Nicandro*, 141 SCRA 289).

"The Fiscal has the duty to adduce evidence that there was compliance with the duties of an interrogating officer — As it is the obligation of the investigating officer to inform a person under investigation of his right to remain silent and to counsel, so it is the duty of the prosecution to affirmatively establish compliance by the investigating officer with his said obligation. Absent such affirmative showing, the admission or confession made by a person under investigation cannot be admitted in evidence.

Thus, in *People vs. Ramos*, *supra*, the Court ruled that the verbal admission of the accused during custodial investigation was inadmissible, although he had been apprised of his constitutional rights to silence and to counsel, for the reason that the prosecution failed to show that those rights were explained to him, such that it could not be said that "the appraisal was sufficiently manifested and intelligently understood" by the accused." (*People vs. Nicandro supra*)

Going to the instant case, We find that evidence for the prosecution failed to prove compliance with these constitutional rights. Furthermore, the accused was not assisted by counsel and his alleged waiver was made without the assistance of counsel. The record of the case is also replete with evidence which was not satisfactorily rebutted by the prosecution, that the accused was maltreated and tortured for seven (7) solid hours before he signed the prepared extra-judicial confession.

On June 23, 1987, the Solicitor General filed a Manifestation and Motion in lieu of brief, praying that the judgment, of conviction be reversed and the accused be acquitted of the crime charged.

All considered. We hold that the guilt of the accused (petitioner) has not been established beyond reasonable doubt.

WHEREFORE, the appealed Decision is REVERSED and SET ASIDE, and the petitioner is hereby ACQUITTED.

SO ORDERED.

Melencio-Herrera, (Chairperson), Padilla, Sarmiento, and Regalado, JJ., concur.

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