

# FIRST DIVISION

[ G.R. No. 247718, March 03, 2021 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
JAYNARD AGUSTIN Y PARAGGUA, ACCUSED-APPELLANT.**

## D E C I S I O N

**PERALTA, C.J.:**

Before the Court is an appeal from the September 26, 2017 Decision<sup>[1]</sup> of the Court of Appeals (CA) in CA-G.R. CR-HC No. 08557, which affirmed with modifications the July 18, 2016 Judgment<sup>[2]</sup> of the Regional Trial Court (RTC), Branch 4, Tuguegarao City in Criminal Case No. 13738, finding accused-appellant Jaynard Agustin y Paraggua (*Agustin*) guilty beyond reasonable doubt of Rape with Homicide committed against AAA.<sup>[3]</sup>

The antecedent facts are as follows:

Agustin was indicted for the crime of Rape with Homicide in an Information,<sup>[4]</sup> dated November 3, 2010, the accusatory portion of which reads:

That on or about November 1, 2010 in the municipality of [REDACTED], province of Cagayan and within the jurisdiction of this Honorable Court, the said accused JAYNARD AGUSTIN y PARAGGUA with lewd design and by the use of force, threat and intimidation carry, drag and brought the victim, AAA, minor 12 years old into a sugarcane plantation and while thereat, did, then and there willfully, unlawfully and feloniously have sexual intercourse with the complainant, AAA, a minor 12 years of age against her will. That on the same occasion of the rape, the accused with intent to kill, did, then willfully, unlawfully and feloniously strangle the victim, AAA, a minor 12 years old which caused her death and accused in order to prevent the discovery of the victim and to conceal his overt acts buried the victim in the same sugar plantation where he raped the victim.

CONTRARY TO LAW.<sup>[5]</sup>

During arraignment, the above Information was read and explained to Agustin in the Ilocano dialect, to which he is fully conversant with, and thereafter, he entered a plea of not guilty to the offense charged.<sup>[6]</sup> After the termination of the pre-trial, trial on the merits ensued.

*Version of the Prosecution*

To substantiate its charge against Agustin, the prosecution presented BBB, Dr. Francisco Romulo D. Villaflor (*Dr. Villaflor*), Atty. Luis Donato, Jr. (*Atty. Donato, Jr.*),

Barangay Captain Alfredo Ruam (*Brgy. Capt. Ruam*) and Police Officer 3 Joel Mora (*PO3 Mora*) as its witnesses.

BBB, the mother of AAA, testified that her deceased daughter was born on September 28, 1998. AAA was only 12 years old when said victim was killed on November 1, 2010. BBB averred that she was in Manila working as a housemaid when the incident happened.<sup>[7]</sup>

BBB's further testimony was dispensed with after the prosecution and defense entered into a stipulation that in the event that Agustin is convicted of the crime charged, he shall be liable to pay the heirs of the victim the amount of P50,000.00 by way of civil indemnity.<sup>[8]</sup>

Dr. Villaflor a medico-legal officer at the Regional Crime Laboratory Office 2, [REDACTED], Tuguegarao City, testified that he conducted a post-mortem examination on the cadaver of AAA on November 2, 2010. He recalled that the whole body of AAA was almost covered with soil debris. He described the cadaver to be in the state of secondary flaccidity, the condition of the body after having undergone rigor mortis, which usually occurs 18 hours after death. During post-mortem examination, he noted that AAA sustained a total of eight (8) injuries, excluding those inflicted upon her genitalia. The most prominent of these injuries were the hematomas with superimposed abrasion found on the left and right portions of the anterior neck of the victim. He opined that the victim could have sustained those injuries while she was being strangulated. He concluded that the cause of the victim's death is asphyxia by strangulation.

Dr. Villaflor added that he found three (3) injuries in the genitalia of AAA. The first injury was a fresh abrasion with hematoma found on the lower wall of the victim's vagina. The second injury was a fresh hymenal laceration at 5 o'clock position extending to the left vaginal wall. He opined that the hymenal laceration could have been caused by the insertion of blunt object, like a hardened male organ, into the victim's vagina, or by a forceful and violent sexual intercourse. The third injury was a fresh laceration at the fourchette which is the lower part of the victim's vagina. He opined that these three (3) injuries were all inflicted within the last two or three days from the time the victim's vagina was examined. His medical findings were reduced in writing and were reflected in the Medico-Legal Report No. M-078-2010.<sup>[9]</sup>

At the witness stand, Atty. Donato, Jr. recounted that police officers from [REDACTED] Police Station requested for his presence at the police station to render assistance to Agustin who wants to give a confession relative to the commission of a crime. He is a resident of the [REDACTED]. He surmised that this could have been the reason why the police officers choose him to be the lawyer who will assist Agustin. He saw Agustin at the police station and requested the police officers to leave the room so he could have some moment alone with said accused to confer with him. Initially, the police officers gave him only two (2) minutes to talk with the accused, but he asked for additional time considering the gravity of the offense involved. He claimed that Agustin confessed his guilt for the rape and killing of AAA and even related to him how said incident took place in the afternoon of November 1, 2020. He recalled that Agustin gave exactly the same narration to the police investigator during the taking of the latter's extrajudicial confession.

Atty. Donato, Jr. recalled that before Agustin gave a confession, he apprised the latter of his right to remain silent. He also reminded Agustin that whatever statement he will give can be used against him. However, accused was insistent and later, he confessed to the rape and killing of AAA during the investigation. He translated the questions propounded by the investigating officer in Ilocano dialect to Agustin, who answered the queries also in Ilocano dialect. He is conversant with the Ilocano dialect. He explained to Agustin the questions asked by the investigating police officer. He translated the answers of Agustin in English to the investigating police officer, who reduced said accused's confession in typewritten form.

Atty. Donato, Jr. claimed that he was with the Agustin during the entire time of the investigation. There was also another police officer who witnessed the proceedings. Agustin placed his thumbmark on the printed copy of his extrajudicial confession as proof that he voluntarily gave the same. After thoroughly reading the printed copy of the Agustin's extrajudicial confession, he affixed his signature thereon to prove that he assisted accused while the latter was giving his confession. The other police officer who witnessed the taking of Agustin's statement also signed the printed copy of the document.

He clarified that his purpose for coming over to the police station was to ask Agustin if the latter wants his assistance while said accused gives his confession/statement. He described accused as unschooled, that the latter cannot read nor write. During trial, he identified Agustin as the same person he assisted during the investigation held on November 2, 2010 on which occasion, said accused gave an extrajudicial confession of his authorship of the crime charged.<sup>[10]</sup>

The prosecution also called to the witness stand Brgy. Capt. Ruam of [REDACTED], Cagayan, at the time material to the case. Brgy. Capt. Ruam testified that he knows accused Agustin and identified AAA as the daughter of CCC and BBB. Thereafter, the court reset the trial of the case to a later date for the continuation of Brgy. Capt. Ruam's direct testimony.<sup>[11]</sup> However, he was no longer presented by the prosecution in the succeeding hearings.

During the hearing held on September 2, 2014, the testimony of PO3 Mora was dispensed with after the parties stipulated that he was the investigator of the [REDACTED] Police Station who took down the extrajudicial confession of Agustin.<sup>[12]</sup>

Thereafter, the prosecution rested its case and offered its documentary evidence.

Among the evidence submitted and offered by the prosecution is the document denominated as *"EXTRA JUDICIAL CONFESSION OF JAYNARD AGUSTIN Y PARAGGUA TAKEN BY PO3 JOEL MORA INVESTIGATOR OF [REDACTED] POLICE STATION THIS 2<sup>ND</sup> DAY OF NOVEMBER 2010 IN THE PRESENCE OF AND WITH THE ASSISTANCE OF ATTY. LUIS DONATO TO WHICH STATEMENT WAS TAKEN IN ENGLISH LANGUAGE BUT TRANSLATED IN ILOCANO DIALECT IN WHICH THE DECLARANT FULLY SPEAKS AND UNDERSTAND"*<sup>[13]</sup> In substance, it was stated in the said extrajudicial confession stated that: on November 1, 2010 at about 3:00 o'clock in the afternoon, the confessant saw AAA taking a bath in a pump well; AAA was then naked while taking a bath; when AAA saw him, she ran at the back of her house; he chased her and when he cornered her, he brought her to the sugarcane plantation of [REDACTED] in [REDACTED], Cagayan where he succeeded in raping her; after raping AAA, he strangulated her and then buried her

inside the same sugarcane plantation; the following day, November 2, 2010, he admitted to Brgy. Capt. Ruam and to PO3 Ronie Laxa that he raped and killed AAA. This written extrajudicial confession bore the thumbmark purportedly of the said accused which was placed above the printed name "JAYNARD P. AGUSTIN."

#### *Version of the Defense*

The defense presented accused Agustin as its lone witness. Agustin interposed the defense of outright denial. He denied any involvement in the commission of rape with homicide against AAA. He denied placing his thumbprint on the subject extrajudicial confession at the police station of [REDACTED], Cagayan. He denied to have known Atty. Donato, Jr. He denied affixing his thumbmark on another document when he was brought by the police officers to Tuguegarao City. He knew that Brgy. Capt. Ruam, AAA and CCC, the victim's father, were from [REDACTED], but denied having knowledge that AAA was killed on November 1, 2010. He alleged that he never went to school and hence, does not how to read and write.<sup>[14]</sup>

#### *The RTC Ruling*

On July 22, 2016, the RTC promulgated its July 18, 2016 Judgment finding accused-appellant Agustin guilty as charged. The *falla* of which reads: ]

ACCORDINGLY, accused is hereby found GUILTY beyond reasonable doubt of the crime of Rape with Homicide defined and penalized under Article 266 A No. 1 (a) and (d) in relation to Article 266-B fourth paragraph and 249 of the Revised Penal Code, as amended by Republic Act No. 8353.

Accused is sentenced to suffer the penalty of *RECLUSION PERPETUA*. He is likewise ordered to pay the amount of P50,000.00 as civil indemnity, P75,000.00 as moral damages and P30,000.00 as exemplary damages.

Records show that the accused was under the custody of the Bureau of Jail Management and Penology, Tuguegarao City, Cagayan since November 3, 2010. The preventive [imprisonment] of the accused during the pendency of this case shall be credited in full in his favor if he abided in writing with the disciplinary rules imposed upon convicted prisoners.

SO ORDERED.<sup>[15]</sup>

The RTC ruled in favor of the admissibility of the subject written extrajudicial confession ratiocinating that all the cardinal requirements for its admissibility had been complied with. It found Agustin's extrajudicial confession as sufficient to hold him liable for the crime charged. The RTC declared that Agustin's confession was corroborated by the findings in the medico-legal report of Dr. Villaflor that AAA's vagina sustained injuries indicating forced coitus and that the cause of her death was asphyxia by strangulation. According to the RTC, the evidence adduced by the prosecution convincingly established the commission of the crime of rape with homicide and pointed to Agustin as the perpetrator thereof.

Not in conformity, Agustin appealed the RTC's verdict of conviction before the CA.

#### *The CA Ruling*

On September 26, 2017, the CA rendered its assailed Decision affirming the conviction of Agustin, but modified the amounts of damages to be awarded. The dispositive portion of which states:

WHEREFORE, premises considered, the Judgment dated July 18, 2016 of the Regional Trial Court of Tuguegarao City, Branch 4 in Criminal Case No. 13738 is AFFIRMED with MODIFICATION. Accused-Appellant Jaynard Agustin y Paraggua is hereby ordered to pay the heirs of AAA the following amounts:

Civil	Php100,000.00
Indemnity	
Moral	Php100,000.00
Damages	
Exemplary	Php100,000.00
Damages	

All monetary awards for damages shall earn interest at the legal rate of six percent (6%) per annum from date of finality of this Decision until fully paid. The rest of the decision stands.

SO ORDERED.<sup>[16]</sup>

The CA also found the written extrajudicial confession admissible in evidence. It concurred with the RTC's observation that Agustin's written extrajudicial confession is consistent with the physical evidence as established by the Medico-legal Report No. M-078-2010<sup>[17]</sup> prepared by Dr. Villaflor. The CA noted that the subject extrajudicial confession contained details that only the person who committed the crime could have possibly known. The CA observed that nowhere in the evidence on record does it show that violence or coercion was employed on the person of Agustin to compel him into admitting liability of the crime under investigation. Lastly, the CA rejected the retraction by Agustin as a flimsy machination to extricate himself from criminal liability.

### **The Issues**

Unfazed, Agustin filed the present appeal and posited the same assignment of errors he previously raised before the CA, to wit:

#### **I**

THE TRIAL COURT GRAVELY ERRED IN CONVICTING [AGUSTIN] OF THE CRIME CHARGED DESPITE THE INADMISSIBILITY OF HIS EXTRAJUDICIAL CONFESSION.

#### **II**

THE TRIAL COURT GRAVELY ERRED IN CONVICTING [AGUSTIN] OF THE CRIME CHARGED DESPITE THE PROSECUTION'S FAILURE TO PROVE HIS GUILT BEYOND REASONABLE DOUBT.<sup>[18]</sup>

In the Resolution,<sup>[19]</sup> dated August 5, 2019, the Court directed both parties to submit their supplemental briefs, if they so desired. On November 28, 2019, accused-appellant Agustin filed a Manifestation (In Lieu of Supplemental Brief)<sup>[20]</sup>