

FIRST DIVISION

[G.R. No. 216064, November 07, 2016]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, V.
ANTONIO DACANAY Y TUMALABCAB, ACCUSED-APPELLANT.**

DECISION

CAGUIOA, J:

This is an Appeal^[1] filed under Section 13(c), Rule 124 of the Rules of Court from the Decision dated April 2, 2014^[2] (questioned Decision) of the Court of Appeals, Tenth (10th) Division (CA), in CA-G.R. CR-HC No. 05083, which affirmed the Judgment dated June 21, 2011^[3] of the Regional Trial Court of Manila, Branch 7 (RTC), in Criminal Case No. 07-257131.

In an Information filed with the RTC, accused-appellant Antonio^[4] T. Dacanay (Antonio) was charged with the crime of Parricide under Article 246 of the Revised Penal Code (RPC), as amended,^[5] the accusatory portion of which reads:

That on or about October 06, 2007, in the City of Manila, Philippines, the said accused, with intent to kill, did then and there willfully, unlawfully and feloniously attack, assault and use personal violence upon the person of one NORMA DACANAY y ERO, his wife, by then and there stabbing her body with an ice pick several times, thereby inflicting upon her mortal stab wounds which were the direct and immediate cause of her death thereafter.

Contrary to law.^[6]

The antecedent facts, as summarized by the RTC and affirmed by the CA, follow.

On October 6, 2007, Norma E. Dacanay (Norma), the wife of Antonio, was found lifeless with several puncture wounds on the bathroom floor of their home by their son, Quinn, who was then coming home from school.^[7] Quinn likewise observed that the rest of the house was in disarray, with the clothes and things of Norma scattered on the floor, as if suggesting that a robbery had just taken place.^[8] At that time, Antonio had already left for work after having allegedly left the house at around six in the morning.^[9]

Quinn then rushed to the house of his aunt, one Beth Bautista, to tell her about the fate of Norma, and then proceeded to the workplace of Antonio,^[10] which was only ten (10) minutes away from their house.^[11]

Thereafter, both Quinn and Antonio proceeded back to their house and were met by some police officers who were then already conducting an investigation on the incident.^[12]

Antonio was then interviewed by PO3 Jay Santos (PO3 Santos), during which interview, Antonio informed PO3 Santos that One Hundred Thousand Pesos (P100,000.00) in cash and pieces of jewelry were missing.^[13] Antonio alluded to a certain "Miller" as an alleged "lover" of Norma who may have perpetrated the crime.^[14] However, after further investigation, the identity of "Miller" was never ascertained, as none of Norma's friends knew of any such person.^[15]

After PO3 Santos's inspection of the crime scene, Antonio was invited to the precinct to formalize his statement, to which the latter declined, as he still had to take care of the funeral arrangements of Norma.^[16] While Antonio promised to proceed to the police station on the following day, he never made good on such promise.^[17]

On October 8, 2007, PO3 Santos went to Antonio's workplace at PHIMCO Industries, Inc. (PHIMCO) in Punta, Sta. Ana, Manila, to once again invite Antonio to the precinct.^[18] Antonio acceded to such request and, after fetching Quinn from school, they all proceeded to the police station.^[19] When they arrived at the precinct, Barangay Kagawad Antonio I. Nastor, Jr. and some members of the media were present.^[20]

While at the precinct, Barangay Kagawad Antonio I. Nastor, Jr. informed PO3 Santos that Antonio was already willing to confess to killing Norma.^[21] Accordingly, PO3 Santos proceeded to contact a lawyer from the Public Attorney's Office.^[22] In the meantime, PO3 Santos apprised Antonio of his constitutional rights, including the right to remain silent.^[23] However, as determined by both the RTC and the CA, despite having been apprised of his rights, Antonio nonetheless confessed to the crime before the media representatives, who separately interviewed him without PO3 Santos, *viz*:

Per [Antonio]'s account, around 4:00 in the morning, he and his wife had a fight pertaining to the unaccounted amount of P100,000.00. With extreme anger, he stabbed his wife several times. Thereafter, he threw all the pieces of evidence to the river. [Antonio] further declared that he set up the first floor of their house by placing a pitcher of juice, a half-empty glass of juice and cigarette on top of the table, to make it appear that someone else went to their house and robbed the place. He also confessed that he took the missing pieces of jewelry and placed them inside his locker at PHIMCO. He allegedly admitted the killing of his wife as his conscience has been bothering him. x x x^[24]

Insofar as accused's confession was heard, media men Nestor Etole from the Philippine Star and Jun Aduara from Tanod (Bantay ng Bayan) alleged, in the same tenor, that when it was reported that the case has (sic) been solved, they each went, at different time intervals, to the detention cell of the Manila Police District to interview the suspect. Accused, however, remained consistent in admitting that he was the one who killed his wife x x x. He was alleged to have said that he has been bothered by his conscience that was why he admitted to the killing. x x x^[25] (Citations omitted)

Notably, the reporters, Jun Aduara and Nestor Etole, were presented by the prosecution during trial, wherein both testified that Antonio voluntarily admitted his

complicity in the crime without any intimidation or coercion exerted on his person.

[26] As a result of the interview, a news article entitled "*Mister timbog sa pagpatay sa asawa*" was published in the October 10, 2007 issue of *Tanod Diyaryo Bayan*. [27]

Moreover, it was later confirmed by PO3 Santos during a follow-up operation that the missing jewelry (e.g., a pair of gold earrings, a necklace with a cross pendant, a necklace with an oval pendant) were indeed stored in Antonio's locker at PIDMCO, consistent with the latter's extrajudicial confession before the press. [28] Likewise, based on a medico-legal report prepared by Dr. Romeo Tagala Salen of the Manila Police District, the cause of Norma's death was due to multiple puncture wounds on the body, and that the weapon used could have been a round instrument (e.g., an ice pick). [29]

For his defense, as summarized by the RTC, Antonio interposed the twin defenses of alibi and denial, claiming coercion and intimidation on the part of the police officers involved in the investigation of the crime, to wit:

At the police station, accused was subjected to investigation. His son was directed to stay far from where he was positioned. Moments later, accused felt that the investigating police were not satisfied with his answer for which reason he was isolated in another room. There were at least three (3) policemen. He also saw PO2 Jaime Gonzales, being the companion of PO3 Jay Santos during the time of his arrest. It was at this instance where he was boxed on the side as they cursed him and pointed a gun at him. The police wanted him to admit that he was the one who killed his wife. Accused felt that he was shaking all over. Accused was then moved back to where his son was confined. He saw the policemen strip his son of his clothes as son cried, "*Papa, help me!*" His son was then brought to the same room where he was earlier isolated x x x. Accused could only beg, "*Maawa kayo sa amin! Ako na lang ang saktan n yo, huwag na lang anak ko*" x x x.

xxxx

Accused thereafter denied having talked to a kagawad about being responsible for the killing of his wife. He insisted that he was detained for a crime he did not commit. He alluded that he was transferred to a place in V. Mapa, Sta. Mesa, at around mid-morning in a service vehicle where his arresting officers were wearing civilian clothes. He was asked if he had money. Since he claimed not to have any, he heard the police say, "*nag-aaksaya lang tayo ng panahon dito*" x x x.

It was then that accused was again transferred, this time, to PHIMCO premises. His handcuff was removed by PO2 Jaime Gonzales. Accused asked the guard for permission to enter. Accused was asked to lead them to the production area where he worked and showed them the chemicals he used for mixing x x x. Accused next denied that jewelries (sic) were retrieved from his locker at PHIMCO. He alleged, however, that he was shown jewelries (sic) which were taken from the pocket of PO2 Jaime Gonzales but he averred that he did not recognize them. However, he was directed to place his hand in his locker where a photo was taken x x x. They went back to the police headquarters and was warned to keep

mum about their trip to Quintos. He was also warned that media people will be taking his video x x x.

Accused drifted to sleep but as soon as he woke up, he was told that he will be interviewed by the media. He remembered answering their questions but denied having given any detail about the killing of his wife x x x. The policemen behind him struck him in the head and admonished him why he was not answering. He was asked by PO3 Jay Santos to sign a paper until PO3 Santos himself withdrew it x x x.

Later, he was subjected to inquest proceedings. He chose not to tell the investigating prosecutor of his ordeal since he did not want a repeat of his experience at the police precinct. He alleged that he felt afraid since PO3 Santos threatened him and poked a gun at him x x x.

Accused denied having killed his wife, alleging that she was alive the morning he left for work x x x. He alluded to the fact that his wife was engaged in lending money, proof of which was a blue ledger she always kept for accounting x x x.^[30] (Citations omitted)

Upon arraignment, Antonio entered a plea of not guilty to the crime charged.^[31] Trial on the merits then ensued and by Order dated April 5, 2011 of the RTC, the case was submitted for judgment.^[32]

Ruling of the RTC

In its Judgment dated June 21, 2011,^[33] the RTC gave weight to the extrajudicial confession of Antonio and found him guilty of the crime of Parricide, the dispositive portion of which stated:

WHEREFORE, for the death of his wife, Norma Dacanay y Ero, this Court finds accused **ANTONIO DACANAY y TUMALABCAB GUILTY** beyond reasonable doubt of the crime of *Parricide* defined and penalized under Article 246 of the Revised Penal Code and is hereby imposed the penalty of *reclusion perpetua*.

The preventive imprisonment already served by the accused shall be **CREDITED** to the service of his sentence pursuant to Article 29 of the same Code, as amended.

SO ORDERED.^[34]

Aggrieved, Antonio timely filed a Notice of Appeal dated June 30, 2011,^[35] elevating the case to the CA.

Ruling of the CA

In the questioned Decision, the CA affirmed the RTC *in toto* and dismissed the appeal for lack of merit, on the ground that Antonio failed to overcome the presumption of voluntariness attended by his extrajudicial confession, as follows:

WHEREFORE, premises considered, the instant **APPEAL** is hereby **DISMISSED** for **LACK OF MERIT** and the Judgment dated June 21,

2011 rendered by the Regional Trial Court, Branch 7, Manila in Criminal Case No. 07-257131 is hereby **AFFIRMED**.

SO ORDERED.^[36]

On April 24, 2014, Antonio filed a Notice of Appeal of even date with the CA.^[37] Hence, the instant Appeal.

In a Resolution dated March 23, 2015,^[38] the Court instructed the parties to file their respective Supplemental briefs, if they so desired. In lieu of Supplemental Briefs, the parties filed Manifestations respectively dated May 15, 2015^[39] and May 22, 2015,^[40] informing the Court that they were adopting their previous Briefs submitted to the CA.

Issue

The sole issue for our resolution is whether the CA, in affirming the RTC, erred in finding Antonio guilty of the crime of Parricide on the basis of his extrajudicial confession.

The Court's Ruling

In his Appeal, Antonio insists that his extrajudicial confession is inadmissible on the ground that it was given under a "coercive physical or psychological atmosphere".^[41] To support his claim, Antonio underscores the fact that he was inside a detention cell with two (2) or three (3) other detainees when he allegedly confessed to the crime before the media.^[42]

We are not persuaded.

At the outset, we note that Antonio had already admitted in his Appellant's Brief that he was not under custodial investigation at the time he gave his extrajudicial confession:

Although he was not under custodial investigation, note must be taken that Antonio Dacanay was inside a detention cell with two (2) or three (3) other detainees when he allegedly confessed before the media.^[43]

x x x x

Lastly, although confession before the media does not form part of custodial investigation, Antonio Dacanay should have been informed about the consequences of his (sic) when he decided to confess his alleged guilt.^[44]

Hence, Antonio's reliance on constitutional safeguards is misplaced as much as it is unfounded. We need not belabor this point.

At this juncture, it bears stressing that during the separate occasions that Antonio was interviewed by the news reporters, there was no indication of the presence of any police officers within the proximity who could have possibly exerted undue pressure or influence. As recounted by both reporters during their testimonies, Antonio voluntarily narrated how he perpetrated the crime in a candid and straightforward manner, "with no trace of fear, intimidation or coercion in him".^[45]