

EN BANC

[G.R. No. 147786, January 20, 2004]

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. ERIC GUILLERMO Y GARCIA, APPELLANT.

DECISION

QUISUMBING, J.:

For automatic review is the judgment^[1] of the Regional Trial Court (RTC) of Antipolo City, Branch 73, dated March 7, 2001, in Criminal Case No. 98-14724, finding appellant Eric Guillermo y Garcia guilty of murder and sentencing him to suffer the penalty of death.

In an Information dated March 23, 1998, appellant was charged by State Prosecutor Jaime Augusto B. Valencia, Jr., of murdering his employer, Victor Francisco Keyser, committed as follows:

That on or about the 22nd day of March 1998, in the Municipality of Antipolo, Province of Rizal, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, armed with a piece of wood and a saw, with intent to kill, by means of treachery and with evident premeditation, did then and there willfully, unlawfully and feloniously attack, assault and hit with a piece of wood and thereafter, cut into pieces using said saw one Victor F. Keyser, thereby inflicting upon the latter mortal injuries which directly caused his death.

CONTRARY TO LAW.^[2]

When arraigned on April 3, 1998, the appellant, assisted by counsel *de officio*, pleaded guilty to the charge.^[3]

On April 23, 1998, however, appellant moved to withdraw his plea of guilty and prayed for a re-arraignment. The trial court granted the motion and on April 28, 1998, he was re-arraigned. Assisted by counsel *de parte*, he entered a plea of not guilty.^[4] The case then proceeded to trial.

The facts, as gleaned from the records, are as follows.

The victim, Victor Francisco Keyser, was the owner and manager of Keyser Plastic Manufacturing Corp. (Keyser Plastics for brevity), with principal place of business at Sitio Halang, Lornaville, San Roque, Antipolo City.^[5] Keyser Plastics shared its building with Greatmore Corporation, a manufacturer of faucets.^[6] Separating the respective spaces being utilized by the two firms in their operations was a wall, the lower portion of which was made of concrete hollow blocks, while the upper portion was of *lawanit* boards.^[7] The part of the wall made of *lawanit* had two large holes,

which could allow a person on one side of the wall to see what was on the other side.^[8]

On March 22, 1998, prosecution witness Romualdo Campos, a security guard assigned to Greatmore was on duty. At around 8:00 a.m., he saw appellant Eric G. Guillermo enter the premises of Keyser Plastics. Campos ignored Guillermo, as he knew him to be one of the trusted employees of Keyser Plastics. An hour later, he saw Victor F. Keyser arrive. Keyser checked the pump motor of the deep well, which was located in the area of Greatmore, after which he also went inside the part of the building occupied by Keyser Plastics.^[9] Campos paid scant attention to Keyser.

Later, at around 10:00 a.m., Campos was making some entries in his logbook, when he heard some loud noises ("*kalabugan*") coming from the Keyser Plastics area. He stopped to listen, but thinking that the noise was coming from the machines used to make plastics, he did not pay much attention to the sound.^[10]

At around noontime, Campos was suddenly interrupted in the performance of his duties when he saw appellant Guillermo look through one of the holes in the dividing wall. According to Campos, appellant calmly told him that he had killed Victor Keyser and needed Campos' assistance to help him carry the corpse to the garbage dump where he could burn it.^[11] Shocked by this revelation, Campos immediately dashed off to telephone the police. The police told him to immediately secure the premises and not let the suspect escape, ^[12] while a reaction team was being dispatched to the scene.

Ten minutes later, a team composed of SPO4 Felix Bautista, SPO1 Carlito Reyes, and Police Aide Jovenal Dizon, Jr., all from the Antipolo Philippine National Police (PNP) Station, arrived at the crime scene. With them was Felix Marcelo, an official police photographer.^[13] They were immediately met by Campos, who informed them that Guillermo was still inside the building. The law enforcers tried to enter the premises of Keyser Plastics, but found the gates securely locked. The officers then talked to Guillermo and after some minutes, persuaded him to give them the keys. This enabled the police to open the gate. Once inside, SPO4 Bautista and SPO1 Reyes immediately accosted Guillermo who told them, "*Sir, hindi ako lalaban, susuko ako, haharapin ko ito.*" ("Sir, I shall not fight you, I am surrendering, and I shall face the consequences.")^[14] Guillermo was clad only in a pair of shorts, naked from the waist up. SPO1 Reyes then asked him where the body of the victim was and Guillermo pointed to some cardboard boxes. On opening the boxes, the police found the dismembered limbs and chopped torso of Victor F. Keyser. The victim's head was found stuffed inside a cement bag.^[15]

When the police asked how he did it, according to the prosecution witness, Guillermo said that he bashed the victim on the head with a piece of wood, and after Keyser fell, he dismembered the body with a carpenter's saw. He then mopped up the blood on the floor with a plastic foam. Guillermo then turned over to the police a bloodstained, two-foot long piece of coconut lumber and a carpenter's saw.^[16] Photographs were taken of the suspect, the dismembered corpse, and the implements used in committing the crime. When asked as to his motive for the killing, Guillermo replied that Keyser had been maltreating him and his co-employees.^[17] He expressed no regret whatsoever about his actions.^[18]

The police then brought Guillermo to the Antipolo PNP Station for further investigation. SPO1 Carlos conducted the investigation, without apprising the appellant about his constitutional rights and without providing him with the services of counsel. SPO1 Carlos requested the National Bureau of Investigation (NBI) to conduct a post-mortem examination on Keyser's remains. The Antipolo police then turned over the bloodstained piece of wood and saw, recovered from the *locus delicti*, to the PNP Crime Laboratory for testing.

Dr. Ravell Ronald R. Baluyot, a medico-legal officer of the NBI, autopsied Keyser's remains. He found that the cadaver had been cut into seven (7) pieces.^[19] He found that the head had sustained thirteen (13) contusions, abrasions, and other traumatic injuries,^[20] all of which had been caused by "forcible contact with hard blunt object,"^[21] such as a "lead pipe, baseball bat, or a piece of wood."^[22] He found the cause of death to be "traumatic head injury."^[23] Dr. Baluyot declared that since the amputated body parts had irregular edges on the soft tissues, it was most likely that a sharp-edged, toothed instrument, like a saw, had been used to mutilate the corpse.^[24] He further declared that it was possible that the victim was dead when sawn into pieces, due to cyanosis or the presence of stagnant blood in the body,^[25] but on cross-examination, he admitted that he could not discount the possibility that the victim might still have been alive when mutilated.^[26]

Dr. Olga Bausa, medico-legal pathologist of the PNP Crime Laboratory, testified that she subjected the bloodstained piece of coco lumber as well as the saw recovered from the crime scene to a bio-chemical examination to determine if the bloodstains were of human origin. Both tested positive for the presence of human blood.^[27] However, she could not determine if the blood was of the same type as that of the victim owing to the insufficient amount of bloodstains on the items tested.^[28]

Keyser's death shocked the nation. Appellant Guillermo, who was then in police custody, was interviewed on separate occasions by two TV reporters, namely: Augusto "Gus" Abelgas of ABS-CBN News and Kara David of GMA Channel 7. Both interviews were subsequently broadcast nationwide. Appellant admitted to David that he committed the crime and never gave it second thought.^[29] He disclosed to David the details of the crime, including how he struck Keyser on the head and cut up his body into pieces, which he placed in sacks and cartons.^[30] When asked why he killed his employer, Guillermo stated that Keyser had not paid him for years, did not feed him properly, and treated him "like an animal."^[31] Both Abelgas and David said that Guillermo expressed absolutely no remorse over his alleged misdeed during the course of their respective interviews with him.^[32]

At the trial, appellant Guillermo's defense consisted of outright denial. He alleged he was a victim of police "frame-up." He testified that he had been an employee of Keyser for more than a year prior to the latter's death. On the date of the incident, he was all alone at the Keyser Plastics factory compound as a "stay-in" employee. Other employees have left allegedly due to Keyser's maltreatment of them.^[33]

In the morning of March 22, 1998, appellant said Keyser instructed him to report for overtime work in the afternoon. He proceeded to the factory premises at one o'clock

in the afternoon, but since his employer was not around, he said, he just sat and waited till he fell asleep.^[34] He was awakened sometime later when he heard people calling him from outside. He then looked out and saw persons with firearms, who told him that they wanted to enter the factory. Once inside, they immediately handcuffed him and looked around the premises. When they returned, they were carrying boxes and sacks. He said he was then brought to the police station where he was advised to admit having killed his employer since there was no other person to be blamed.^[35] When he was made to face the media reporters, he said the police instructed him what to say.^[36] He claimed that he could no longer recall what he told the reporters. The appellant denied having any grudge or ill feelings against his employer or his family.

On cross-examination, appellant admitted that he was the shirtless person in the photographs taken at the crime scene, while the persons with him in the photographs were policemen wearing uniforms.^[37] He likewise admitted that the cartons and sacks found by the police inside the factory premises contained the mutilated remains of his employer.^[38] He claimed, however, that he was surprised by the contents of said cartons and sacks.^[39] Appellant admitted that a bloodstained piece of wood and a saw were also recovered by the police, but he insisted that the police made him hold the saw when they took photographs.^[40]

The trial court disbelieved appellant's version of the incident, but found the prosecution's evidence against him weighty and worthy of credence. It convicted the appellant, thus:

The guilt of the accused has been proven beyond reasonable doubt to the crime of murder as charged in [the] information. WHEREFORE, the accused is meted the maximum penalty and is hereby sentenced to die by lethal injection.

The accused is also hereby ordered to pay the mother of the victim, Victor Keyser, the following amounts:

1. Death Indemnity	P50,000.00	
2. Funeral Expenses	P50,000.00	
3. Compensatory Damages	P500,000.00	
4. Moral Damages	P500,000.00	
5. Exemplary Damages	P300,000.00	
6. Attorney's Fees	P100,000.00	
P3,000.00 per Court appearance.		plus

SO ORDERED.^[41]

Hence, the case is now before us for automatic review.

In his brief, appellant assigns the following errors:

ACCUSED-APPELLANT FOR THE CRIME OF MURDER HAS BEEN PROVEN BEYOND REASONABLE DOUBT.

II

THE COURT A *QUO* ERRED IN IMPOSING THE EXTREME PENALTY OF DEATH.

III

THE COURT A *QUO* GRAVELY ERRED IN AWARDING THE FOLLOWING DAMAGES: DEATH INDEMNITY P50,000.00; FUNERAL EXPENSES P50,000.00; COMPENSATORY DAMAGES P500,000.00; MORAL DAMAGES P500,000.00; EXEMPLARY DAMAGES P300,000.00; AND ATTORNEY'S FEES OF P100,000.00 PLUS P3,000 PER COURT APPEARANCE.^[42]

Briefly stated, the issues for resolution concern: (1) the sufficiency of the prosecution's evidence to prove the appellant's guilt beyond reasonable doubt; (2) the propriety of the death penalty imposed on appellant; and (3) the correctness of the award of damages.

Appellant contends that his conviction was based on inadmissible evidence. He points out that there is no clear showing that he was informed of his constitutional rights nor was he made to understand the same by the police investigators. In fact, he says, he was only made to read said rights in printed form posed on the wall at the police precinct. He was not provided with the services of counsel during the custodial investigation, as admitted by SPO1 Reyes. In view of no showing on record that he had waived his constitutional rights, appellant argues that any evidence gathered from him, including his alleged confession, must be deemed inadmissible.

For the State, the Office of the Solicitor General (OSG) counters that the evidence clearly shows that the appellant admitted committing the crime in several instances, not just during the custodial investigation. First, he admitted having killed his employer to the security guard, Campos, and even sought Campos' help in disposing of Keyser's body. This admission may be treated as part of the *res gestae* and does not partake of uncounselled extrajudicial confession, according to the OSG. Thus, OSG contends said statement is admissible as evidence against the appellant. Second, the appellant's statements before members of the media are likewise admissible in evidence, according to the OSG, as these statements were made in response to questions by news reporters, not by police or other investigating officer. The OSG stresses that appellant was interviewed by media on two separate occasions, and each time he made free and voluntary statements admitting his guilt before the news reporters. He even supplied the details on how he committed the crime. Third, the OSG points out that appellant voluntarily confessed to the killing even before the police could enter the premises and even before any question could be posed to him. Furthermore, after the police investigators had entered the factory, the appellant pointed to the place where Keyser's corpse was found. The OSG submits that at these points in time, appellant was not yet under custodial investigation. Rather his statements to the police at the crime scene were spontaneous and voluntary, not elicited through questioning, and hence must be treated as part of the *res gestae* and thus, says the OSG, admissible in evidence.