

## FIRST DIVISION

[ G.R. No. 123147, October 13, 2000 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
JOSEPH MANENG Y ORTESA, ACCUSED-APPELLANT.**

### D E C I S I O N

**PARDO, J.:**

The case is an appeal from a decision<sup>[1]</sup> of the Regional Trial Court of Valenzuela, Branch 172, Metro Manila, convicting accused Joseph Maneng y Ortosa of robbery with homicide and sentencing him to *reclusion perpetua* with all the accessory penalties and to indemnify the heirs of deceased Nenita Santiago y Merculesio and Hermosa Gelito y Salvino the sum of P50,000.00 each, without subsidiary imprisonment.

On March 23, 1993, State Prosecutor Bernard S. Razon filed with the Regional Trial Court of Valenzuela, Metro Manila, an information charging accused Joseph Maneng together with John Doe and Peter Doe, with robbery with double homicide, committed as follows:

"That on or about March 16, 1993 in Valenzuela, Metro Manila and within the jurisdiction of this Honorable Court, the above-named accused, conspiring together and mutually helping one another, with intent to gain and with use of force, violence and intimidation, did then and there willfully, unlawfully and feloniously take, rob and carry away with them cash money amounting to P45,000.00 and an undetermined amount of assorted jewelries, all belonging to one ALFREDO CELITO, to the damage and prejudice of the latter in an undetermined amount; that on the occasion of the said robbery and for the purpose of enabling them to take and carry away the said articles, the above-named accused, in pursuance of their conspiracy, did then and there willfully, unlawfully and feloniously, with intent to kill, stab HERMOSA CELITO and NENITA MERCOLESIO, thereby inflicting upon the said victims serious physical injuries which directly caused their death.

CONTRARY TO LAW."<sup>[2]</sup>

On May 12, 1993, at the arraignment, accused pleaded not guilty to the crime charged.<sup>[3]</sup> Trial ensued accordingly.

The facts may be related as follows:

From 7:00 a.m. till 5:20 p.m. of March 16, 1993, Alfredo Gelito, the owner of the house at No. 16 Esperanza St., Don Pedro Village, Marulas, Valenzuela, was tending his store some 300 meters away from the house. At around 4:30 p.m., two (2)

policemen arrived at his store to buy a bicycle.

At about 5:15 p.m., Alfredo's son, Alfredo III, arrived at the store to inform him that a robbery and homicide took place at their house. Alfredo, together with the two (2) policemen, rushed to his house and found it to be in total disarray with the two dead bodies of his housekeepers Hermosa Gelito and Nenita Santiago. Alfredo made a thorough search of the house and found the following items to be missing:

1. one radio worth P3,500.00;
2. a camera worth P3,500.00;
3. jewelry box containing jewelries worth P45,000.00;
4. some tools; and
5. money belonging to deceased Hermosa Gelito amounting to P5,000.00.<sup>[4]</sup>

On March 18, 1993, the police received information that the accused was one of those who perpetrated the robbery and killing in the Gelito residence and that he was about to take a ferryboat to Mindoro. When the policemen failed to find the accused on the ferryboat at the port of Batangas City that was scheduled to leave at 6:00 p.m., they waited at the gate of the port. Shortly, accused arrived, carrying a lady's bag. The police officers approached him and asked his identity and destination. Accused said that he was going to Barrio Masalay, Oriental Mindoro. He denied involvement in the robbery-killing but when the officers searched his body and bag, they found a necklace with a heart-shaped pendant wrapped in a cigarette pack.

The accused was thereafter invited to the Valenzuela Police Station where he executed a sworn statement dated March 19, 1993<sup>[5]</sup> admitting his participation in the crime. Before taking down his statement, SPO1 Arnold Alabastro and Atty. Hortensio G. Domingo, Jr. of the Public Attorney's Office and counsel *de officio* of the accused, apprised the accused of his constitutional rights. The accused signed his statement in the presence of SPO1 Alabastro and of Atty. Domingo, Jr.<sup>[6]</sup>

For his part, accused put up an *alibi* and claimed that he was coerced into admitting participation in the crime. He testified<sup>[7]</sup> that he was at his place of work at 583 Malanday, Valenzuela, Metro Manila, doing his job as welder from 7:00 a.m. till 5:00 p.m. After work, he arrived at his house at 172 Daang Bakal, Meycauayan, Bulacan at around 5:30 p.m., rested, ate dinner, watched television, and then slept.

At around 5:30 p.m. of March 18, 1993, accused went to the port of Batangas City to take a ship bound for Mindoro in order to visit his wife and sick child. When he alighted from the bus, three (3) policemen approached and frisked him. The policemen handcuffed him and then brought him to the Valenzuela Police Station. He was forced to admit the robbery and killing when the policemen boxed, kicked and hit him with a piece of wood and an armalite.<sup>[8]</sup>

The trial court disregarded accused's defense of alibi and involuntary confession and

found him guilty on the basis of his extrajudicial confession.

Thus, on August 31, 1994, the trial court rendered a decision convicting accused of robbery with homicide, the dispositive portion of which reads:

"Accordingly, therefore, the Court finds accused Joseph Maneng GUILTY beyond reasonable doubt of the complex crime of Robbery with Homicide and sentences him to suffer the penalty of Reclusion Perpetua together with all the accessory penalties and to indemnify the heirs of deceased Nenita Santiago and Hermosa Celito the sum of P50,000.00 each without subsidiary imprisonment in case of insolvency under present and current jurisprudence.

The Court likewise orders the immediate commitment of the accused Joseph Maneng to the National Penitentiary of Muntinlupa, Metro Manila, after the promulgation of this judgment-decision.

IT IS SO ORDERED."<sup>[9]</sup>

Hence, this appeal.<sup>[10]</sup>

In this appeal, accused-appellant claims that the trial court erred in relying on his confession that was obtained in violation of his constitutional rights, and in disregarding his *alibi*.

The Court sustains the conviction of accused-appellant.

We are convinced that the confession of accused-appellant is admissible in evidence, as it was satisfactorily shown that it was (1) voluntary, and (2) made with the assistance of a competent and independent counsel.<sup>[11]</sup>

In his sworn statement taken on March 19, 1993,<sup>[12]</sup> where he confessed his participation in the crime, accused recounted in detail how he and his two (2) companions, Charlie Ropon, Jr. and Marcial Maneng, perpetrated the robbery-killing, that at around 1:30 p.m. of March 16, 1993, as they were entering the Gelito residence they met one of the deceased housekeepers whom Charlie Ropon, Jr. punched. The three carried the unconscious housekeeper to a second floor room of the house where Charlie Ropon, Jr. raped her first, followed by accused-appellant. The other deceased was also raped by Marcial Maneng. After satisfying their lust, Charlie Ropon, Jr. knifed one of the housekeepers to death while the other housekeeper also met the same death in the hands of Marcial Maneng. After the twin killings, Charlie began ransacking the house. Thereafter, the three left and boarded a jeep that brought them to accused's boarding house at San Diego St., Malanday, Valenzuela, Metro Manila. Accused revealed that they planned the crime on March 7, 1993.

Accused repudiated his confession on the ground that it was extracted through force and intimidation. However, the confession contained details that only the accused-appellant, as perpetrator, could have known. Details disclosed in the confession that could have been known only to the declarant indicate the voluntariness in executing the same.<sup>[13]</sup> Thus, contrary to accused-appellant's protestations, no torture, force,