

THIRD DIVISION

[G.R. No. 130189, June 25, 1999]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
DOMINGO R. MULETA, ACCUSED-APPELLANT.**

D E C I S I O N

PANGANIBAN, J.:

An extra-judicial confession extracted in violation of constitutionally enshrined rights is inadmissible in evidence. During custodial investigation, suspects have the rights, among others, (1) to remain silent, (2) to have an independent and competent counsel, (3) to be provided with such counsel, if unable to secure one, (4) to be assisted by one in case of waiver, which should be in writing, of the foregoing; and (5) to be informed of all such rights and of the fact that anything he says can and will be used against him. Where the remaining pieces of evidence are insufficient to determine guilt with moral certainty, the appellant is entitled to an acquittal. A conviction must rest on the strength of the admissible evidence of the prosecution, not on the weakness or insufficiency of the defense.

The Case

Domingo R. Muleta appeals the Decision of the Regional Trial Court of Malolos, Bulacan, Branch 14, in Criminal Case No. 3264-M-93, finding him guilty of the complex crime of rape with homicide and sentencing him to *reclusion perpetua*.

The Information, dated October 1, 1993 and signed by Prosecution Attorney Emmanuel Y. Velasco, charged appellant as follows:

"That on April 30, 1993, between the hours of 12:05 past midnight to 2:00 in the morning, at a house in Malolos, Bulacan and within the jurisdiction of this Honorable Court, accused DOMINGO MULETA y ROCERO willfully, unlawfully and feloniously had carnal knowledge of a woman in the person of Charito M. Delgado without her consent, by using force and intimidation and while the latter was unconscious; and thereafter accused Domingo Muleta y Rocero by reason or on occasion of the said rape incident, taking advantage of his superior strength, stab[bed] Charito M. Delgado in the neck and at the back causing the instantaneous death of the latter."^[1]

Upon arraignment on December 10, 1993, the appellant^[2] pleaded not guilty to the charge.^[3]

After trial, the lower court rendered its assailed August 15, 1997 Judgment,^[4] the dispositive portion of which reads:

"WHEREFORE, premises considered, the court finds accused Domingo R. Muleta guilty beyond reasonable doubt of the complex crime of [r]ape with [h]omicide and hereby sentences him to suffer the penalty of RECLUSION PERPETUA.

"The accused is hereby ordered to pay the heirs of the deceased victim Charito Delgado death indemnity of P50,000.00, actual damages of P44,000.00, exemplary damages of P20,000.00 and moral damages of P20,000.00.

"No pronouncement as to costs." [5]

Hence, this appeal. [6]

The Facts

Version of the Prosecution

The facts, as viewed by the prosecution, are summarized in the Appellee's Brief [7] thus:

"On April 15, 1993, nineteen-year-old Charito Delgado, a native of Oriental Mindoro, went to Manila to find work. Once in Manila, Charito proceeded to 1347 Banaba Street, Moriones, Tondo, Manila, where her uncle, Ruben Delgado lived. There, she stayed with her sister Marissa. Shortly thereafter, Charito landed a job as a saleslady at the Ali Mall, in Cubao, Quezon City.

"In the afternoon of April 29, 1993, Charito left Tondo, Manila and moved to Valenzuela, Metro Manila, bringing with her some of her sister's baggage. She, however, returned to Tondo, Manila to pick up their remaining baggage. It was the last time she was seen alive by her relatives.

"On April 30, 1993, Charito's lifeless body was found naked in Mojon, Malolos, Bulacan, tied to a post with the use of a pair of pants and both her hands were tied with a bra. Charito's body bore five (5) stab wounds, three (3) in the left side of her neck and two (2) at her back.

"The initial investigation on Charito's death was conducted by the police in Malolos, Bulacan but the National Bureau of Investigation (NBI), Manila, later took over and the case was assigned to NBI Agent Ely Tolentino on May 19, 1993.

"Based on Tolentino's investigation, appellant is Charito's uncle, [appellant] being the brother of Charito's mother, Milagros Delgado; that on April 29 and 30, 1993, appellant was working at the Loadstar Shipping Lines located at Pier 16, North Harbor, Tondo, Manila; that on April 29, 1993, appellant left his work at 9:30 in the evening; that appellant reported for work on April 30, 1993 at 8:00 in the evening; that according to appellant's wife, he left for work on April 29, 1993 but returned only in the morning of April 30, 1993.

"On September 19, 1993, Tolentino went to appellant's house in Oriental Mindoro and requested appellant to go with him to the NBI, Manila for investigation. Appellant readily obliged. Danilo Delgado, Charito's paternal uncle, accompanied Tolentino and appellant to Manila.

"During his custodial investigation on September 19, 1993, appellant was assisted by counsel, Atty. Deborah [D]aquis^[8], with address at Room 401, D & D Building, Pedro Gil and San Marcelino Street, Manila. There, he admitted having raped and later killed Charito Delgado.

"Another prosecution witness, Danilo Delgado, testified that during the wake of Charito Delgado on May 13, 1993 in Valenzuela, Metro Manila, appellant became hysterical, crying, shaking his head and muttering: `Patawarin mo ako Charito, ikaw kasi lumaban pa, nakakahiya, mabuti pang mamatay na'.

"Delgado saw appellant drink a bottle of `chlorux', after which he fell to the ground. Appellant was brought to the Fatima Hospital."^[9] (citations omitted)

Version of the Defense

The appellant, on the other hand, submits the following as the facts of the case:

"xxx [T]he defense presented the accused himself [Domingo Muleta] who testified that he was not the one who committed the crime [he was] being charged [with]; that he was just unscrupulously picked up by the NBI and forced to admit the crime in question; that on April 30, 1993, he was in their rented house at Camias St., Magsaysay, Tondo, Manila; that on that day, he left the house at 5:30 in the afternoon and went to the house where Charito Delgado was then residing; that he learned from his sister Milagros Delgado that the latter's daughter Charito transferred to another house and she was then missing; that he reported the matter to the police authorities; first, to the PNP Headquarters in Tondo; second, to the PNP Headquarters at U.N. Avenue; and third, to the PNP Headquarters situated at Caloocan; that on May 8, 1993, he found the body of Charito Delgado already lying in state at Valenzuela, Metro, Manila; that he learned from his sister Milagros that her body was found somewhere in Malolos; that he was working in the Load Star shipping as a welder on a contractual basis; that from April to May, 1993, he was applying to another company because Load Star Shipping closed shop; that on September 19, 1993, he was picked up by the NBI at Banos Gloria, Oriental Mindoro; that he was brought at Taft Avenue; that he was tortured; that aside from boxing and kicking him, [they] brought [him] to a secluded place; that he was blindfolded; that he was told to lie down on his back, his feet were tied and water was poured on his nose; that he was forced to sign a document which he was not able to read, that he was forced to sign the document because he [could] no longer bear the torture; that he did not have a lawyer at that time; that the NBI agent's name is Ely Tolentino who testified earlier in this case; that he knows that the reason why he was accused of raping his niece is that he gave

an information about a woman he saw in the room of his brother-in-law Rolando Delgado.

"xxx [T]hat the last time he [accused] visited his niece in her residence in Moriones was April 26, 1993; that Marissa was present when he visited Charito Delgado; that he used to work at Lawang Bato, Bagbaguin, Valenzuela, Bulacan; that he did not work in Malolos; that when he saw the cadaver of Charito, he was so sad about her condition, that he [could] no longer recall what he did because of his anger.

"xxx Emelinda Muleta testified that her husband, the accused-appellant, never left the house in Tondo, Manila in the evening of April 29, 1993."

[10]

Ruling of the Trial Court

Despite the absence of an eyewitness, the trial court held that the circumstantial evidence in this case was enough to establish the guilt of the appellant. In so holding, it referred to the following as sufficient circumstantial evidence to convict:

"First, the accused is familiar with the place VOP Compound, Bo. Mojon, Malolos, Bulacan, where the crime was committed and where the body of the victim was found;

"Second, the accused left his place of work at around 9:30 in the evening of April 29, 1993;

"Third, the accused did not go home in the evening of April 29, 1993 but went home only in the morning of April 30, 1993;

"Fourth, that during the wake of Charito, the accused went wild and hysterical and uttered these words: `Patawarin mo ako Charito, ikaw kasi lumaban pa, nakakahiya ako, mabuti pang mamatay na.';

"Fifth, the accused admitted in his sworn statement, that he uttered these words;

"Sixth, the accused admitted that he drank chlorox and was brought to the Fatima Hospital for treatment; and

"Seventh, the sworn statement executed by the accused contains details of the manner in which the crime was committed which only he could have known." [11]

In upholding the validity of the extrajudicial confession, the lower court further ruled:

"The contention of the accused that his extra-judicial confession [was] inadmissible because it was obtained through force and without the assistance of counsel is untenable. Well-settled is the rule that a confession is presumed to be voluntary until the contrary is proved. In th[is] case, the presumption has not been overcome. The narration contained in the sworn statement bespeaks spontan[ei]ty and truth. Not

only is the [confession of the accused] replete with details only he could have supplied, but the circumstances surrounding its execution belie his claim. Indubitably established is the fact that accused was assisted by Atty. Deborah Daquis who even signed the statement; that before accused made his extrajudicial confession he was first asked if he was amenable to the services of Atty. Daquis to which query he answered affirmatively. Finally, while accused recited a litany of alleged acts of maltreatment, no medical certificate had been shown to prove that he did suffer inhuman treatment. Nor was there any proof that he even initiated the filing of an administrative or criminal complaint against his alleged tormentors. Neither did accused present any eyewitness to the alleged torture. In short, his allegation, obviously self-serving, hardly deserves consideration. Noteworthy too, is the fact that he did not repudiate said confession at the earliest opportunity and did so only during trial, thus indicating that his repudiation [was] only a last-ditch effort to avoid the consequences of the crime.

"The court upholds the admissibility of accused's extrajudicial confession which, by itself, is sufficient basis for his conviction.

"The rule is, a confession constitutes evidence of high order since it is supported by the strong presumption that no person of normal mind would deliberately and knowingly confess to a crime unless prompted by truth and his conscience.

"Finally, accused's defense of denial and alibi cannot negate his culpability because these are not supported by any credible evidence other than his bare assertion. Additionally, there was no evidence of any ulterior or evil motive on the part of the prosecution witnesses that might have led them to give fabricated testimony against the accused."^[12]
(citations omitted)

Assignment of Error

Appellant presents this lone assignment of error:

"THE TRIAL COURT ERRED IN GIVING WEIGHT AND CREDENCE TO THE EVIDENCE FOR THE PROSECUTION AND IN THE PROCESS DISREGARDING THE DEFENSE OF ALIBI OF THE ACCUSED-APPELLANT."^[13]

A reading of the Appellant's Brief, however, yields the following issues to be resolved: (1) the validity and admissibility of the extrajudicial confession of the appellant, (2) the sufficiency of the prosecution's evidence to prove appellant's guilt beyond reasonable doubt, and (3) alibi as a defense.

This Court's Ruling

The appeal is meritorious. The extrajudicial confession of appellant is inadmissible, and the remaining circumstantial evidence presented by the prosecution is sorely insufficient to prove his guilt beyond reasonable doubt.