

EN BANC

[G.R. No. 129113, September 17, 2002]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. MAMERTO RANIS, JR. @ "JUN," CARLITO ARELLANO Y BUSCAY, BIENVINIDO MURPHY @ "IMBING," ERNESTO SABIYON Y ELLIDO, CESARIO MURPHY Y SUELLA, LOLITA SANTOS Y ANDRADE, ACCUSED. ERNESTO SABIYON Y ELLIDO, CESARIO MURPHY Y SUELLA, AND LOLITA SANTOS Y ANDRADE, ACCUSED-APPELLANTS.

D E C I S I O N

QUISUMBING, J.:

On automatic review is the decision^[1] dated February 12, 1997 of the Regional Trial Court of Morong, Rizal, Branch 79, convicting beyond reasonable doubt accused-appellants ERNESTO SABIYON, CESARIO MURPHY and LOLITA SANTOS of the crime of Robbery with Homicide, and sentencing them to suffer the penalty of *reclusion perpetua* to death as well as to pay jointly and severally P2,000 as actual damages, P18,500 as funeral expenses, and P50,000 as death indemnity to the heirs of the victim, Benedicto Hernandez.

The amended information against the appellants, and co-accused Mamerto Ranis, Jr. @ Jun, Bienvinido Murphy @ Imbing, and Carlito Arellano y Buscay reads as follows:

That on or about the 10th day of March, 1994 in the Municipality of Pililia, Province of Rizal, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, armed with a scythes and knife, conspiring and confederating together and all of them mutually helping and aiding one another, with intent of gain, and by means of force, violence and intimidation, did then and there willfully, unlawfully and feloniously take, steal and carry away one (1) Rolex watch, one (1) ring and two (2) earrings worth of P400,000.00 and cash money amounting to P2,000.00 all in the total amount of P402,000.00, belonging to Benedicto Hernandez, to the damage and prejudice of the owner thereof in the total amount of P402,000.00; and that by reason and on the occasion of the robbery, the above-named accused, with intent to kill, with treachery and evident premeditation, and abuse of superior strength and number, did then and there willfully, unlawfully and feloniously attack, assault hack and stab with the said scythes and knife said Benedicto Hernandez, thereby causing him to sustain mortal wounds which directly caused his death.

CONTRARY TO LAW^[2]

Upon arraignment, appellants ERNESTO SABIYON, CESARIO MURPHY and LOLITA SANTOS pleaded NOT GUILTY. Accused CARLITO ARELLANO died before the

scheduled arraignment and was discharged from the Information. Accused MAMERTO RANIS, JR. and BIENVINIDO MURPHY remain at large. After waiving the pre-trial, trial on the merits ensued.

The prosecution presented eight witnesses, namely, MARIVIC RODELAS, the live-in partner of Benedicto (Ben) Hernandez; NOEL ESPINOSA, a long time family friend and a regular visitor of Ben Hernandez; SPO1 MELCHOR BANAGO, a member of the PNP Station at Halayhayin, Pililla, Rizal, whose testimony on the robbery with homicide case as reported to him by Marivic Rodelas on the night of March 10, 1994, was admitted by the defense; MARIA LUISA HERNANDEZ, the legal wife of Ben Hernandez; SPO4 AMBROSIO ANERO, a police officer assigned at the 2nd PNP District, Halayhayin, Pililla, Rizal; DR. ROSALIN POCEDON, a medico-legal officer of PNP Crime Laboratory at Tandang Sora, Quezon City; SPO1 QUINTIN ARRIESGADO, another police officer assigned at the 2nd PNP District, Halayhayin, Pililla, Rizal; and ATTY. RAFAEL MATEO, a lawyer who assisted the accused during the police investigation.

MARIVIC RODELAS testified that on March 10, 1994 at about 8:00 in the evening, while she and Ben Hernandez with their baby were watching television in their bedroom, two men, both armed with bladed weapons, suddenly entered their unlocked bedroom. One of them, Cesario Murphy, has an *alupihan* - like scar on the stomach while the other, Ernesto Sabiyon, is cross-eyed. She was able to see the faces and physical attributes of both accused because the television set and the lampshade were turned on. Cesario poked a knife at her neck while Ernesto straddled on top of Ben who was then lying in bed. Cesario asked for the proceeds of the sale of land and some jewelry but she told him that they only had P2,000 in their possession. Cesario then took the P2,000 and several pieces of luxury watches and jewelry worth P400,000 more or less. After taking the money and jewelry, both accused tied her hands and those of Ben with electric cord and then they went out of the house, taking Ben with them.

After untying herself, she informed Noel Espinosa, their guest, about the incident. They started searching for Ben and proceeded to the room of Lolita Santos, their housemaid, but she was not around. They reported the incident to the police where a team of 10 policemen led by SPO4 Ambrosio Anero went with them to their house to help find Ben. Later, Ben's wounded body was found beside an old hut, not far from their house. Ben was groaning and his hands were still tied at his back. He had hack wounds on his head, face, neck, and stomach. They brought him to the Tanay General Hospital where he was pronounced dead on arrival. After returning to her house, she met Lolita who was shocked to know the incident but at the same time looked pale and nervous.^[3]

Marivic Rodelas also disclosed that sometime in January 1994, Ben and accused Mamerto "Jun" Ranis, who was accompanied by two workers who resembled appellants Ernesto Sabiyon and Cesario Murphy,^[4] had a disagreement on the price to be paid by the former to the latter for the cleaning of the *calamansian*.^[5]

NOEL ESPINOSA testified that on March 10, 1994 at around 7:30 P.M., he heard Marivic screaming while he was resting at the guest room and heard whispering voices of men coming from the terrace. He went out and looked for Lolita Santos who was not around. He realized that there were strangers in the house and overcome by fear, he immediately returned to his room and turned off the light. Later, Marivic, who was crying and looked very frightened, knocked on his door and

told him that two persons had entered their room and they took Ben with them. They reported the matter to the police where a team of policemen went back with them to the house. They found the body of Ben beside a cliff about fifteen (15) meters from the house. He noticed that there was a deep hack wound at the side of Ben's mouth which almost separated his jaw. Ben's T-shirt was full of blood.^[6]

MARIA LUISA HERNANDEZ testified that she is the legal wife of Ben Hernandez but they had been living separately since 1993; that she was shocked to learn of the death of her husband. She identified in court several watches that were recovered as belonging to her husband, and testified that she spent P12,000 for the funeral expenses and P7,000 for the cremation. At the time of his death, according to her, Ben Hernandez was earning P15,000 to P20,000 as royalties for his past TV show productions.^[7]

SPO4 AMBROSIO ANERO testified that on March 10, 1994, he and several policemen went to the house of Ben and noticed that his room was in disarray with the drawers opened. They found the body of Ben lying about five to ten meters from the house with a cloth in the mouth, blood stains on the body, and hack wounds on his right nape and mouth. They brought Ben to the hospital but he was proclaimed dead on arrival.

A follow-up investigation led to the arrest of accused Carlito Arellano, Ernesto Sabiyon, and Cesario Murphy, all of whom admitted their participation in the crime during investigation. SPO4 Anero investigated and took the statements of Ernesto Sabiyon and Lolita Santos. They were informed of their constitutional rights. Atty. Rafael Mateo assisted them. Ernesto Sabiyon confessed that he killed Ben Hernandez. At the same time, he implicated Lolita Santos, who was also arrested. After initial denials, Lolita also confessed and executed two affidavits regarding her participation in the offense. The duly thumbmarked affidavits were read to her by Atty. Mateo.^[8]

Dr. ROSALIN POCEDON, of the PNP Crime Laboratory, testified that she conducted the autopsy on the cadaver of Ben Hernandez. She found a total of 26 wounds in his body, of which six were found in the back. She said several hacking wounds, abrasions, contusions, lacerated wounds and punctured wounds were caused by sharp pointed instruments such as knives or daggers and blunt hard objects.^[9]

SPO1 QUINTIN ARRIESGADO testified that he conducted the investigation on Carlito Arellano and Cesario Murphy after duly informing them of their constitutional rights, while they were assisted by Atty. Mateo. Both readily admitted their participation in the crime. Per his investigation, Arriesgado said that Carlito Arellano is the uncle of co-accused Jun Ranis while appellant Cesario Murphy is the brother-in-law of Jun Ranis.^[10]

ATTY. RAFAEL MATEO testified that he was requested by a police officer to assist as counsel all the accused in the investigation. He introduced himself as a lawyer who would assist them in the investigation and all of them agreed, especially since Carlito Arellano personally knew him. He conferred and talked to each one of them separately and privately. He informed each accused his right under custodial investigation, particularly the right to remain silent, to have a counsel of his choice, or to have a counsel assigned to him. All of them told him that they knew something about the killing of Ben Hernandez and they were willing to give statements to the

police. Throughout the investigation he assisted them by reading and explaining their statements before being signed by them. He also testified that Lolita Santos initially denied any involvement in the crime but later she confessed her participation in the crime because she was bothered by her conscience.^[11]

For its part, the defense presented six witnesses, namely, appellants ERNESTO SABIYON, CESARIO MURPHY, and LOLITA SANTOS; FREDDIE ESMINDA, a contractor engaged in the construction business; ESTANISLAO MENDOZA, a laborer; and JUAN PLANTILLA (a.k.a. Mang Johnny), a caretaker of the land owned by Ben Hernandez's mother.

In his testimony, appellant ERNESTO SABIYON denied having known Carlito Arellano but admitted that Jun Ranis is his "*bilas*" and Cesario Murphy as well as Bienvenido Murphy are his "*bayaw*". He said he came to know Lolita Santos after the police introduced her to him in jail. He claimed that he and Cesario Murphy were arrested in their house in Antipolo, Rizal on March 17, 1994, and that they were handcuffed, blindfolded, and tortured on the way to the police station. At the police station, where several persons were present including the widow of Ben Hernandez, they were further subjected to torture ("slapped, boxed, kicked and kulata") and asked to admit their participation in the killing. However, he said he did not bother to submit himself to a medical examination of his alleged injuries. Nor did he inform any of his relatives about said injuries. He said he did not file any charges against the policemen. He denied talking to Atty. Mateo, although he admitted meeting him as the lawyer who would assist him during the police investigation.^[12]

Witness FREDDIE ESMINDA testified that appellants Cesario Murphy and Ernesto Sabiyon worked as masons ("*kantero*") in his construction business from 1992 to March 12, 1994, the day when he dismissed them at 5:30 P.M. After dismissal, the two remained in his house and they had a drinking spree, consuming a few bottles of beer until 7:30 P.M. Thereafter, he said, the two went home.^[13] However, he was uncertain whether the two reported for work on March 10, 1994.^[14]

Witness ESTANISLAO MENDOZA testified that he knew appellants Ernesto Sabiyon and Cesario Murphy because both were his co-workers.^[15]

Appellant CESARIO MURPHY substantially corroborated the testimonies of Ernesto Sabiyon. According to Cesario, both of them were arrested, handcuffed and blindfolded at about 2-3 A.M. of March 17, 1994. They were boxed and mauled by the policemen and he said he was told to undress. He denied knowing Lolita Santos and Carlito Arellano until he met them in jail. He said that Carlito Arellano committed suicide, leaving a letter.^[16] He said he did not bother to be examined by a doctor, despite being mauled by the police.^[17]

Appellant LOLITA SANTOS, an illiterate housemaid of the Hernandez family for about 18 to 20 years, testified that on the night of March 10, 1994 at about 8:00 P.M., she was sleeping in her room when she heard one Marivic Rodelas shout. She went out of her room and saw a "man looking towards the room of Ben". Thinking that he was Noel Espinosa, she called him in a low voice but the man did not respond. She got frightened and ran towards the house of Juan Plantilla (Mang Johnny) to seek help, she said. However, when she returned to the house, she said Marivic told her that Ben was already dead.^[18]

She claimed she had no knowledge of the contents of the two affidavits that she executed before the police officer. She could recall, however, that she was made to thumbmark several papers in the presence of a lawyer whom she was not able to talk to.^[19] She said she was forced to admit the crime because she did not want to be hurt anymore.^[20] However, she said she did not bother to submit herself to any medical and physical examination.^[21]

Witness JUAN PLANTILLA testified that on March 10, 1994 at about 7:00 to 8:00 P.M., Lolita Santos came to his house asking for help. He said he accompanied Lolita to the *barangay office* to seek assistance.^[22]

Witness SIMEON TECSON, an employee of Ben Hernandez, was presented by the prosecution as its rebuttal witness. He testified that he was at the Pililla Police Station on March 21, 1994 about 7:00 to 8:00 P.M to observe the investigation of the accused in the presence of Atty. Mateo. There were several persons including some media reporters. Atty. Mateo was introduced to the appellants and the lawyer conferred with them during the investigation, he said. He added that the lawyer assisted them in signing their respective statements before affixing his own signature. He stated that there were no threats, intimidation or violence employed on the accused while they were being investigated. Neither did he notice any physical injuries or signs of maltreatment on the appearance of the accused,^[23] according to the witness.

After trial, the trial court convicted appellants. The dispositive portion of the decision reads:

WHEREFORE, accused Ernesto Sabiyon, Cesario Murphy and Lolita Santos are found guilty beyond reasonable doubt and hereby imposed the penalty of *Reclusion Perpetua* to Death in accordance with Article 294, paragraph (1) of the Revised Penal Code. Said accused are further ordered to pay the heirs of Benedicto Hernandez the amount of P2,000.00 as actual damages; P18,500.00 by way of funeral expenses, and the further sum of P50,000.00 for the death of Benedicto Hernandez, to be paid jointly and severally.

SO ORDERED.^[24]

In convicting the accused, now appellants, of robbery with homicide, the trial court stressed the positive identification by Marivic Rodelas of Ernesto Sabiyon and Cesario Murphy as the persons who entered her bedroom on March 10, 1994. The intention of both accused to commit robbery was revealed, according to the trial court, when Cesario Murphy pointed a knife at Marivic's neck and asked for the jewelries and the money from the sale of a lot. The trial court concluded that the accused were responsible for the death of Ben Hernandez as established by the following proven circumstances: (1) the accused were present at the scene of the crime; (2) accused Sabiyon and Murphy had weapons in their possession; (3) Hernandez died due to multiple stab or hack wounds; (4) bloodstains were found at the place where Hernandez was found lying lifeless; and (5) the accused fled.

The trial court admitted the extrajudicial confessions of the accused. It said their claims of being maltreated and coerced were unconvincing. According to the court, apart from their self-serving claims, the accused did not elaborate on the extent of coercion and threats that were employed, and they did not say who made the