

## EN BANC

[ G.R. No. 126787, May 24, 1999 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
MANOLITO MONSAYAC Y LABRADOR, ACCUSED-APPELLANT.**

### DECISION

**MELO, J.:**

Before us on automatic review is the decision of the Regional Trial Court of the National Capital Region (Branch 95, Quezon City), the Honorable Diosdado N. Peralta presiding, in its Criminal Case No. Q-95-64327, convicting herein accused-appellant of Attempted Rape With Homicide, with one aggravating circumstance, and sentencing him to suffer the supreme penalty of death.

The undisputed facts show that at around 4 o'clock in the morning of December 19, 1995, the victim, MARY JANE IBIAS y UBALDE was found dead inside her room with several stab wounds on her neck, and although she was fully clothed, her shirt was pulled up revealing her breasts.

Mary Jane, or Baby as she was commonly called, was living inside the motorshop of her brother, Roger Ibias, at No. 375 Quirino Highway, Sangandaan, Barangay Talipapa, Quezon City at the time of the incident. She was 20 years old and was working as a computer programmer. Also living inside the shop premises were two men, Teodorico Villarico and accused-appellant Manolito Monsayac, both helpers-mechanics of her brother. They stayed in separate living quarters, each adjacent to the other, with Baby's room in the middle. Inside accused-appellant's room is a door leading to Baby's, although said door always remained locked from Baby's side.

Two days after Baby's death, or on December 21, 1995, an Information was filed against accused-appellant Manolito Monsayac charging him with the crime of Attempted Rape with Homicide allegedly committed as follows:

That on or about the 19th day of December, 1995, in Quezon City, Philippines, the above-named accused, with lewd design, by means of force and intimidation, did then and there willfully, unlawfully and feloniously commence the commission of the crime of Rape directly by overt acts, by attempting to have carnal knowledge to one MARY JANE IBIAS y UBALDE who was then asleep at the time, by laying on top of her while pointing a kitchen knife on her neck, however, the said accused did not perform all the acts of execution which would produce the crime of rape by reason of some causes other than his spontaneous desistance; that on the occasion thereof, the said accused, with intent to kill, attack, assault and employ personal violence upon the person of said victim, by then and there stabbing her on the neck with the said kitchen knife, thereby inflicting upon her serious and mortal wound which was the direct and immediate cause of her untimely death, to the damage and

prejudice of the heirs of the said victim.

(p. 5, Rollo.)

Upon arraignment, accused-appellant pleaded not guilty and after the case was re-raffled to the court *a quo*, trial ensued.

The evidence for the prosecution consists of the testimony of PO3 Crisanto Lamsin, Senior Inspector Ma. Cristina Freyra, Romeo Lascano, Atty. Engracio Icasiano, and Teodorico Villarico, which tend to establish the following sequence of events, thusly:

At half an hour past midnight, on December 19, 1995, Roger Ibias and accused-appellant arrived in the Sangandaan motorshop from Bulacan where they had repaired a customer's car. At around 4 o'clock that same morning, witness Teodorico Villarico, who was sleeping in his room, was awakened by moaning sounds coming from Baby's room, crying for help - "Kuya Teddy, tulungan mo ako." Teodorico went out of his room and tried to open Baby's door by kicking it but it would not open. He then ran to the police headquarters of Sangandaan which was near the motorshop but found the policemen sleeping. So he decided to go to the house of a certain Ambet, Roger's *kumpadre*, who lived a few meters away from the motorshop. He woke up Ambet and the two of them proceeded towards the motorshop calling out, "Pulis! Pulis!" Their cries awakened PO3 Crisanto Lamsin and another policeman and they all proceeded towards the motorshop. When they were already in front of the motorshop, PO3 Lamsin asked why it was dark and accused-appellant suddenly emerged from the shell of a wrecked vehicle, naked from the waist up, wearing only denim short pants. PO3 Lamsin ordered accused-appellant to switch on the light which he did. With the place illuminated, Lamsin noticed that accused-appellant was sweating profusely, although it was a chilly December morning.

Lamsin saw Mary Jane's lifeless body and noticed that her T-shirt was raised up to her breasts. Without any instructions from anyone, accused-appellant suddenly ran towards Baby's room, entering through the broken door that connects his room to Baby's, and lifted Baby's lifeless body. Suspicious of accused-appellant's erratic behavior, Lamsin ordered him to put down Baby's body. He then looked around for pieces of evidence of the crime and found a knife with bloodstains wrapped with a glove, also with bloodstains, inside the kitchen of the motorshop. Lamsin likewise found a blue T-shirt beside a trash can. Lamsin also noticed several scratches on the chest of accused-appellant and blood on his right index finger. He then apprehended accused-appellant and brought him to the police station for investigation.

Meanwhile, Roger Ibias had arrived and he took pictures of the room and of Baby's lifeless body, after which, he brought Baby's body to a funeral parlor and made the necessary arrangements for her internment.

In the police station, accused-appellant was ordered to take off his short pants which were found to be stained with blood. Inside the pocket of his pants was a handkerchief with three holes. These were brought to the Philippine National Police (PNP) Crime Laboratory for examination and the results showed that the stains were human blood identical to that of the victim.

Accused-appellant denied killing Baby. He pointed instead at Teodorico as the perpetrator of the crime. The following is his story.

Accused-appellant was a helper-mechanic in the motorshop of Roger Ibias, Baby's elder brother. Roger's mother-in-law is accused-appellant's sister and, as a relative by affinity, he was tasked to look after Baby.

The day before Baby's death, or on December 18, 1995, accused-appellant was working in the motorshop and he carried materials made of asbestos and an engine of a motor vehicle which caused scratches on his chest and a cut in his right index finger. At 12 o'clock midnight, he and Roger arrived from Meycauayan, Bulacan where they had repaired a customer's car. They proceeded to Ambet's house which was near the motorshop and had a drinking spree until 3:30 o'clock in the morning of the following day, December 19. Roger then brought him back to the motorshop; he took off his shirt and slept in a wrecked vehicle inside the motorshop. At around 4 A.M., he was awakened by a commotion near the shop and some people shouting, "Pulis! Pulis!" He came out from the wrecked vehicle where he was sleeping and was surprised to see inside the motorshop Teodorico Villarico and Ambet with PO3 Crisanto Lamsin and another policeman. Ambet pleaded with him to enter Baby's room saying, "Amang, look at Baby if you could bring her to the hospital." Teodorico likewise told him, "Amang, tingnan natin si Baby." Without wasting time, he ran towards Baby's room and tried to open the door but it was locked. He then decided to enter through the adjoining door between his and Baby's room by kicking the same and destroying it. After successfully breaking open the door, he carried Baby so he could bring her to the hospital for possible treatment. PO3 Lamsin felt Baby's pulse and declared that she was already dead and should be brought to a funeral parlor instead. So he put Baby back on the floor. He was then arrested by Lamsin and detained at the police station.

Accused-appellant admitted that the short pants and the T-shirt that were found at the scene of the crime were his. They were stained with blood because he carried the bloodied body of Baby, he argued. He, however, denied ownership of the bloodstained kitchen knife and glove, claiming that these were Teodorico's. He also denied that the handkerchief with three holes was his.

Accused-appellant was made to sign an extrajudicial confession admitting authorship of the crime. This confession was, however, correctly discarded by the trial court because it was executed without the assistance of an independent and competent counsel as strictly required by the Constitution. The same was a ready-made confession prepared by one Atty. Engracio Icasiano whom accused-appellant did not even know. The contents thereof were supplied by said Atty. Icasiano and all accused-appellant did was to sign the same.

On August 28, 1996, the trial court rendered judgment, the decretal portion of which reads:

WHEREFORE, judgment is hereby rendered finding the accused Manolito Monsayac y Labrador GUILTY beyond reasonable doubt of the crime of Attempted Rape with Homicide as defined in and penalized by Article 335 of the Revised Penal Code, as amended. There being one (1) aggravating circumstance, the said accused is hereby sentenced to suffer the penalty of DEATH and ordered to indemnify the heirs of the victim Mary Jane Ibias the amounts of P50,000.00, for the death of Mary Jane Ibias; P50,000.00, as moral damages; P40,000.00, as actual damages; and