

## EN BANC

[ G.R. Nos. 123550-51, July 19, 1999 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
LEONARDO AQUINO Y CALOT AND EDUARDO CATAP Y ESTRADA,  
ACCUSED-APPELLANTS.**

### D E C I S I O N

#### PER CURIAM:

For as long as constitutional safeguards are adequately complied with, a confession constitutes evidence of the highest 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.<sup>[1]</sup> But since voluntariness in making such confession gives it its probative weight, it is the court's duty to determine in every case that no undue pressure of whatever nature would taint it and render the same inadmissible in evidence. We are not, however, lacking in guidance. In the early case of *People v. Paciano Cruz*,<sup>[2]</sup> this Court ruled that the voluntariness of a confession may be inferred from its language, such that if upon its face the confession exhibits no sign of suspicious circumstances tending to cast doubt on its integrity, it being replete with details which could possibly be supplied only by the accused, reflecting spontaneity and coherence which psychologically cannot be associated with a mind to which violence and torture have been applied, the confession may be considered as having been given voluntarily. It is this light that the Court shall now resolve the trial court's imposition of the capital punishment on the accused-appellants.

Records disclose that on October 11, 1994, the Office of the provincial Prosecutor of Rizal charged Leonardo Aquino y Calot, Eduardo Catap y Estrada and Jover Lofamia y Perlas with the complex crime of rape with homicide under the following informations:

#### **Criminal Case No. 107065-H**

"That on or about the 1st day of October 1994, in the Municipality of Pasig, Metro Manila, Philippines and within the jurisdiction of this Honorable court, accused Leonardo Aquino y Calot, with the indispensable cooperation of accused Eduardo Catap y Estrada and accused Jover Lofamia y Perlas, all accused with lewd designs and by means of force, threats and intimidation, did, then and there willfully, unlawfully and feloniously have sexual intercourse with one Angelita Anillo, six (6) years of age; that on the occasion of said rape, the above-named accused taking advantage of their superior strength, nocturnity and with intent to kill, did, then and there willfully, unlawfully and feloniously attack, assault, strangle and inflict physical injuries upon said Angelita Anillo which directly caused her death.

"Contrary to law."<sup>[3]</sup>

#### **Criminal Case No. 107066-H**

"That on or about the 1st day of October 1994, in the Municipality of Pasig, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, accused Eduardo Catap y Estrada, with the indispensable cooperation of accused Leonardo Aquino y Calot and accused Jover Lofamia y Perlas, all accused with lewd designs and by means of force, threats and intimidation, did, then and there willfully, unlawfully and feloniously have sexual intercourse with one Angelita Anillo, six (6) years of age; that on the occasion of said rape, the above-named accused taking advantage of their superior strength, nocturnity and with intent to kill, did, then and there willfully, unlawfully and feloniously attack, assault, strangle and inflict physical injuries upon said Angelita Anillo, which directly caused her death.

"Contrary to law."<sup>[4]</sup>

#### **Criminal Case No. 107067-H**

"That on or about the 1st day of October 1994, in the Municipality of Pasig, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, accused Leonardo Aquino y Calot, with the indispensable cooperation of accused Eduardo Catap y Estrada and accused Jover Lofamia y Perlas (sic), all accused with lewd designs and by means of force, threats and intimidation, did, then and there willfully, unlawfully and feloniously have sexual intercourse with one Angelita Anillo, six (6) years of age; that on the occasion of said rape, the above-named accused taking advantage of their superior strength, nocturnity and with intent to kill, did, then and there willfully, unlawfully and feloniously attack, assault, strangle and inflict physical injuries upon said Angelita Anillo, which directly caused her death.

"Contrary to law."<sup>[5]</sup>

Upon arraignment on November 16, 1994, all of the accused pleaded not guilty to the charges. Joint trial on the merits soon followed establishing the following material facts:

Prosecution witness Ernesto Coronado, the victim's uncle, testified that upon arriving at home on the evening of October 1, 1994, he noticed Jover Lofamia, Dick Magpili and three others having a drinking spree in front of his house where the victim, Angelita Anillo, was likewise staying. At around 9:00 o'clock in the evening, accused-appellant Aquino came to his house looking for Rolando Laureano but since Laureano was not there, Aquino left. Later, Ernesto heard the victim come home also looking for Laureano, purportedly upon Aquino's request. It was at about 11:00 o'clock of that evening when Ernesto last saw the victim alive. Upon learning subsequently that the victim was missing, he joined her relatives in searching for her.<sup>[6]</sup>

Aurora Anillo, the victim's mother, testified that at around 9:00 o'clock in the evening of October 1, 1994, she was busy lulling her son to sleep when she felt the need to go to the toilet. On the way to the toilet which was located outside of their house, she passed by a group of men, one of whom was later identified as Jover Lofamia, having a drinking spree in front of their house. After half an hour, she went back to the house. She checked her daughter but found that she was not in her room. Alarmed, she immediately looked for her together with some of her relatives but their efforts were futile. She then solicited the help of a radio station and their barangay captain.<sup>[7]</sup> The dead body of her daughter would later turn up after four days in a vacant lot at Christine Village, Bgy. Dela Paz, Pasig.

SPO4 Remigio Bugnot testified that on October 5, 1994, a dead body of a little girl who was later identified as that of the victim Angelita was reportedly found in a vacant lot in Christine Village. The police branch chief who received the said report immediately dispatched an investigating team to verify it. The investigation team conducted an ocular inspection of the crime scene and gathered pieces of physical evidence like the victim's underwear, short pants, five bottles of "Merko" syrup, and a broken shovel.<sup>[8]</sup>

The medico-legal officer, Dr. Emmanuel Aranas, testified that, pursuant to a letter-request from Sr. Inspector Felix Bulatao, he conducted an autopsy on the decomposing body of the victim, to determine the cause of death.<sup>[9]</sup> *Post-mortem* examination yielded the following results:<sup>[10]</sup>

"FINDINGS:

Fairly developed, fairly nourished female child cadaver in beginning state of decomposition. The 5th left toe is missing.

HEAD, NECK AND EXTREMITIES:

1. Lacerated wound, frontal region, measuring 1 x 0.7 cm., just right of anterior midline.
2. Lacerated wound, frontal region, measuring 1.5 x 0.6 cm., 4 cm left of anterior midline.
3. Contusion, neck, measuring 5 x 3 cm, bisected by the anterior midline.
4. Lacerated wound, dorsal aspect of the right hand, measuring 1.5 x 1 cm, 3 cm lateral to its posterior midline.
5. Lacerated wound, perineum, measuring 5 x 3 cm, bisected by its midline with extrusion of the small intestine.
6. Hematoma, middle third of the right thigh, measuring 19 x 6 cm, 10 cm medial to its anterior midline.

The brain is liquefied.

The tracheal luminae reveals hemorrhages.

The anterior aspect of the uterine wall is lacerated with herniation of the small intestine.

Stomach is empty and the rest of the visceral organs are autolyzed.

#### EXTRAGENITAL AND GENITAL:

The breasts are undeveloped. There is absence of pubic hair. The labia majora and minora are bloated. The anterior aspect of the vaginal wall as well as the cervix are lacerated.

Vaginal, peri-urethral and intrauterine smears are negative for gram-negative diplococci and for spermatozoa. xxx

#### CONCLUSION:

Cause of death is Asphyxia by strangulation.

Subject is in non-virgin state physically.

To show that the victim was last seen in the company of the accused, the prosecution presented Junior Caloma, a 15-year old tricycle driver who testified that on October 5, 1994, he was accosted by a police officer who asked him if he had a driver's license. In the course of the inquiry, he was allegedly asked if he knew something about the disappearance of Angelita Anillo. He then related to the police officer that on the night in question, he saw the victim boarding a tricycle together with accused Eduardo Catap and two others whom he did not recognize.<sup>[11]</sup>

On October 5, 1994, accused Eduardo Catap was arrested and brought to the Pasig Police Station. Assisted by counsel, Atty. Reynario Campanilla, and Councilor Ernesto Dimapili, Catap gave a sworn statement implicating a certain Reynaldo Magpili as having raped and killed the young Angelita Anillo.<sup>[12]</sup> Subsequently, Catap intimated to Atty. Campanilla that he wanted to give another confession, whereupon Atty. Campanilla asked him to write it down himself, which he did.<sup>[13]</sup> This was followed by another sworn statement wherein Catap confessed that he and accused Leonardo Aquino raped Angelita Anillo and that Aquino killed her.<sup>[14]</sup>

On the part of the defense, Leonardo Aquino denied any participation in the commission of the crime for which he was indicted. He claims that at about 5:30 o'clock in the afternoon of October 1, 1994, after finishing his work as a helper (*peon*) in a demolition site, he went straight to his grandmother's house and had dinner there. Thereafter, he proceeded to his uncle's residence where mahjong was being played. He allegedly stayed there until 10:20 o'clock that night after which he sat inside a parked tricycle owned by his brother and slept. He only woke up at around 3:00 to 4:00 a.m. the following day and then went home to sleep some more, eventually getting up at past 6:00 o'clock in the morning. Later, Rolando Laureano arrived to confirm whether he was looking for him. He was informed by Laureano that Angelita Anillo was missing.<sup>[15]</sup>

On October 3, 1994, Aquino went to his aunt's house to paint her gate. After finishing his job, he proceeded to Bataan on October 7, to give his earnings to his wife. At about 2:00 o'clock in the afternoon of October 9, a team of seven policemen arrived at his house, introduced themselves as members of the Pasig City police, and invited him for questioning to shed light on the disappearance of the victim. While inside the vehicle on the way to Pasig, Metro Manila, a certain Fidelino allegedly kicked him and forced him to admit having committed the crime.<sup>[16]</sup> His maltreatment, according to him, resumed at the Pasig Police Headquarters,<sup>[17]</sup> but he did not disclose the same to media men loitering about in the station or to his lawyer as he was warned by a certain SPO1 Mansibang not to say anything that would destroy the image of the police force. Neither did he file an administrative complaint against the policemen who allegedly tortured him.<sup>[18]</sup>

He testified further that during the investigation of the case, Catap's name was mentioned but he denied having associated himself with the latter who was much younger than him. He saw how Catap was manhandled by PO1 Fidelino and SPO1 Mansibang which abuse eventually forced Catap to point to him as one of those who participated in the commission of the crime.<sup>[19]</sup>

Appellant Eduardo Catap likewise denied any involvement in the crime. According to him, he never saw Atty. Campanilla sign his extra-judicial confession and that even if he signed his extra-judicial confession, the same was not in the presence of said lawyer. For this reason, he claimed that his extra-judicial confession was taken in violation of his constitutional rights. He admitted, however, knowing the victim as "Helen" and that he was familiar with the victim's relatives who were residing at F. Mariano St., Barangay dela Paz, Pasig City.

During his testimony, Catap claimed that after eating supper at home on October 1, 1994, a friend, Vergel Alviz, invited him to have a drinking session. Later, they met co-accused Jover Lofamia, together with other friends. The group then proceeded to the Bakahan/Manukan Apartment situated near Catap's house where they drank two bottles of gin. Catap eventually fell asleep only to be awakened later by Jay Azar and Nanding who requested him to buy two more bottles of gin so they could continue their drinking session. He acceded to their request and so he went to a nearby sari-sari store located in front of the victim's house. While there, he met Maricel Coronado and her husband who informed him that the victim was missing. He brought the two bottles of gin to his friends, then he allegedly joined the group searching for the victim.<sup>[20]</sup>

To corroborate Catap's testimony, Maricel Coronado testified that she indeed saw Catap in front of the store and that he even joined the search party when it went to an apartment where the victim usually played.<sup>[21]</sup>

Catap's mother, Estrellita, testified that in the early evening of October 1, 1994, her son arrived from his work as a tricycle driver, turned over to her the key to the tricycle and the boundary earned for the day, and then asked permission to go drinking with a friend. It was already 9:00 o'clock in the morning of the following day when Catap returned home. She learned of Catap's arrest on October 5, and when she visited him at the Pasig Police Headquarters, she noticed that his face was swollen, so she sought the assistance of the Commission on Human Rights (CHR). She denied having hired the legal services of Atty. Campanilla to assist her son in