

THIRD DIVISION

[G.R. No. 114385, January 29, 1998]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. EFREN JEREZ, ACCUSED-APPELLANT.

DECISION

ROMERO, J.:

Appellant Efren Jerez, along with Joselito Quijan, Zaldy Victa and Efren Bola (at large), were charged with the crime of robbery with double homicide in Criminal Case No. 6755 before the Regional Trial Court^[1] of Daet, Camarines Norte, Branch 38, under an information^[2] dated October 15, which reads as follows:

"That on or about 1:00 o'clock in the afternoon of May 23, 1990 within the Basit Compound at barangay Sta. Rosa, municipality of Jose Panganiban, province of Camarines Norte, Philippines, and within the jurisdiction of this Honorable Court, the above-named (accused) armed with revolvers and bladed weapons conspiring, confederating together and mutually helping with one another, did then and there wilfully, unlawfully and feloniously, with intent of gain and by means of violence take from REYNALDO OCHOA and JOSELITO BALBASTRO the following personal properties, to wit: cash money amounting to P45,000.00, two (2) gold plated Seiko 5 wristwatch(es), one (1) golden Horseshoe type ring and one (1) gold plated Ray-ban with the total value of P52,000.00, Philippine Currency, belonging to said Reynaldo Ochoa and Joselito Balbastro; that on the occasion of said robbery and for the purpose of enabling the said accused to take, steal and carry away the aforesaid articles, the herein accused in pursuance of their conspiracy, did then and there wilfully, unlawfully and feloniously, with deliberate intent to kill, with treachery, evident premeditation and taking advantage of their superior number and strength, assault, attack and stab said Reynaldo Ochoa and Joselito Balbastro, thereby inflicting upon them multiple mortal wounds on the different parts of their bodies, and as a result thereof, the said Reynaldo Ochoa and Joselito Balbastro died instantly, to the damage and prejudice of the heirs of the victims.

CONTRARY TO LAW."

Upon arraignment, the accused entered a plea of not guilty.

A concise narration of the factual circumstances that led to appellant's conviction follows:

On May 23, 1990, while waiting for passengers near Josie's Restaurant in the Municipality of Labo, Camarines Norte, tricycle driver Gil Villafranca was approached

by a person, later identified as appellant, informing him that he was looking for a carabao buyer.^[3] Subsequently, Villafranca accompanied the latter to the house of one Reynaldo Ochoa. When apprised of the purpose of the visit, Julian, the son of Reynaldo, sought his father near Kathleen Pawnshop and advised him about the four carabaos allegedly for sale at Barangay Teddy, Jose Panganiban, Camarines Norte.^[4]

Appellant, together with Reynaldo and another carabao buyer, Joselito Balbastro, boarded a motorcycle and proceeded to Barangay Teddy to check the condition of the carabaos. It was the last time, however, that the two were seen alive. When the latter failed to return the following day, a search, led by Julian, was conducted. In the course of their inquiry, it was learned that the motorcycle owned by Reynaldo was in the custody of the barangay captain of Teddy, Jose Panganiban who told them that it was recovered from the Basit Compound. Forthwith, they proceeded to the said compound and found Reynaldo and Joselito lifeless, having sustained several mortally-inflicted stab wounds in different parts of their bodies. The victims were divested of their watches, rayban glasses, and a sum of money amounting to P37,000.00.

Police Major Roberto Rosales of the Camarines Norte Integrated National Police testified that upon appellant's arrest, the latter was apprised of his constitutional rights. On June 25, 1990, in the presence of Atty. Augusto Schneider, an investigation conducted by the police ensued and statements therein were reduced to writing, signed and sworn to before Jose Panganiban Municipal Mayor Arnie Arenal, who likewise inquired whether or not appellant understood the consequences of his confession.^[5]

Appellant, on the other hand, proffered alibi as his defense and that the extra-judicial confession was allegedly obtained through the use of physical violence, coercion and intimidation.

He contended that on the day the incident in question occurred, he was with his common law wife, Mercedes Sarical, at the house of a certain Felix Rellolosa from 9:00 o'clock a.m. to 4:00 o'clock p.m. drinking liquor with some friends.^[6] He further tried to buttress his alibi by declaring that no one saw him as a participant in the slaying nor was any property of the victims recovered from him.

In a decision dated April 19, 1993, the trial court convicted appellant, the dispositive portion of which reads:

"WHEREFORE, premises considered and finding accused EFREN JEREZ guilty beyond reasonable doubt of the crime of robbery with double homicide, he is hereby sentenced to suffer the penalty of reclusion perpetua and to indemnify and/or reimburse the heirs of the following:

To the Heirs of Reynaldo Ochoa

1. P 50,000.00 damage for death
2. 100,000.00 loss of earning capacity
(estimated income x life span)

3.	25,000.00	articles/money lost (P20,000.00, watch, others)
4.	50,000.00	burial and other expenses

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	P225,000.00	

To the Heirs of Joselito Balbastro

1.	P 50,000.00	damage for death
2.	100,000.00	loss of earning capacity (estimated income x life span)
3.	27,000.00	articles/money lost (P17,000.00, watch, Ray-Ban)
4.	50,000.00	burial and other expenses

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	P227,000.00	

But for insufficiency of evidence, Joselito Quijan and Zaldy Victa are hereby acquitted.

SO ORDERED.”^[7]

Appellant assails the lower court for giving weight and credence to the extra-judicial statement, stating that at the time of the taking thereof, he was assisted by an ineffectual counsel who could not safeguard his constitutional rights and interests.

We affirm appellant’s conviction.

It is well-settled in this jurisdiction that for a confession to be admissible, it “must satisfy all four fundamental requirements: (1) the confession must be voluntary; (2) the confession must be made with the assistance of competent and independent counsel; (3) the confession must be express; and (4) the confession must be in writing.”^[8] Appellant argued that the first and second requirements were not complied with. The records of the case, however, reveal otherwise.

It must be borne in mind that when appellant executed the extrajudicial confession, it was done in the presence of his counsel, Atty. Schneider, and sworn to before Mayor Arenal. If indeed his confession were obtained as a result of coercion and intimidation by policemen at the police station, he could have informed the Mayor of the maltreatment he suffered. Having failed to convince the authorities, the extra-judicial confession voluntarily made by Jerez is admissible in evidence. “The presumption, therefore, of spontaneity and voluntariness stands unless the defense proves otherwise.”^[9]