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REPORT OF CASES

DETERMINED IN THE

SUPREME COURT OF THE PHILIPPINES

FIRST DIVISION

[A.M. MTJ-98-1166. December 4, 1998]

ANDRES GUILLEN, EULALIO GUILLEN, VICENTE CID, and JIMMY BAYAG, *complainants, vs.* **JUDGE APRONIANO B. NICOLAS, Municipal Circuit Trial Court of Piddig-Solsona-Carasi, Ilocos Norte,** *respondent.*

SYNOPSIS

Five interrelated cases (slander by deed, two counts of malicious mischief, direct assault and resistance and disobedience to a person in authority or his agent) were filed by complainants with respondent sala against the accused, Isidro Jacinto, Benjamin Jacinto and Elias Jacinto. The records do not show that respondent conducted examination preparatory to issuing a warrant of arrest nor any order issued requiring complainants to appear in court for examination, such that accused were arraigned without any warrant for their arrest. Though complainants' motion for the issuance of warrants of arrest were denied, respondent required the accused to post a ₱1,000 bail bond, which was reduced to ₱500 on motion of the accused. All of the accused were acquitted of all the criminal cases except in the case for slander by deed where accused Isidro Jacinto was convicted. Hence, this administrative complaint on grounds of evident partiality, gross incompetence and gross ignorance of the law. Complainants also alleged that respondent Judge was a partner of accused Isidro Jacinto in

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the business of lending fertilizers to the farmers and whose signature was required before the release of the fertilizers to the farmers. Respondent, for his defense, alleged that since the crimes, except that for direct assault, were covered by the Rules on Summary Procedure, a warrant or order for the arrest of the accused is not necessary; that the reduction of the amount of the bail was just and reasonable. He also denied being a business partner of Isidro Jacinto, but merely notarized promissory notes of farmers drawn in favor of Jacinto. The Executive Judge who investigated the complaint, found that the accused, despite sufficient proof of the crimes, was acquitted. He recommended the suspension of respondent judge for three months without pay and a fine of ₱3,000. The Office of the Court Administrator agreed with the findings of the Investigating Judge but recommended that the fine be deleted.

The Rule on Summary Procedure applies where the penalties imposed do not exceed 6 months imprisonment or ₱1,000 fine. However, where four cases were necessarily related and one case (direct assault) fall within the ambit of the regular procedure, the Rule on Summary Procedure does not apply, hence, the necessity for the issuance of warrants of arrest.

Judges acting as a Notary Public in private documents should remit the notarial fees to the municipal treasurer and state in the notarized documents the lack of notary public in the municipality or circuit. Non-compliance therewith constitutes misconduct.

Respondent Judge was suspended for six (6) months without pay and fined ₱10,000.00.

SYLLABUS

1. **JUDICIAL ETHICS; JUDGES; APPLYING THE REVISED RULE ON SUMMARY PROCEDURE FOR AN OFFENSE PUNISHABLE BY MORE THAN SIX MONTHS IMPRISONMENT CONSTITUTES GROSS IGNORANCE OF THE LAW.** — The respondent Judge displayed gross ignorance of the law when he applied the Revised Rule on Summary Procedure to the five criminal cases in question. True, Criminal Cases Nos. 3162-P, 3163-P, 3165-P, and 3166-P are covered by the Rule on Summary Procedure, since

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the penalties for the offenses charged therein do not exceed 6 months imprisonment or ₱1,000 fine. However, in Criminal Case No. 3164-P for direct assault, the imposable penalty is *prision correccional* in its medium and maximum periods and a fine not exceeding ₱1,000, as the complaint alleged that the accused laid hands upon a barangay captain, who is a person in authority. The duration of such penalty is 2 years, 4 months, and 1 day to 6 years. Contrary to the view of the Office of the Court Administrator, Criminal Case No. 3164-P for direct assault, which was allegedly committed on 20 November 1994, is no longer cognizable by the Regional Trial Court. Pursuant to Section 32 (2) of B.P. Blg. 129, as amended by Republic Act No. 7691, which took effect on 15 April 1994, the said case is cognizable by the Municipal Circuit Trial Court because the offense charged therein is punishable with imprisonment not exceeding 6 years. But since the penalty therefor is imprisonment exceeding 6 months, ordinary procedure, not the rule on summary procedure, should govern. It being undisputed that the four other cases were necessarily related to Criminal Case No. 3164-P, which, as earlier stated, fell within the ambit of regular procedure, the rule on summary procedure would not be applicable. Respondent Judge should not have therefore, applied the latter rule particularly its Section 16 instead, respondent should have applied Section 9(b) of Rule 112 of the Rules on Criminal Procedure, which treats of cases which fall within the jurisdiction of inferior courts but are not within the ambit of the Revised Rules on Summary Procedure.

2. **ID.; ID.; EVIDENT PARTIALITY IN FAVOR OF THE ACCUSED, MANIFEST.** — Strangely, while the respondent denied the motion for issuance of a warrant of arrest, he required the accused to post a bail bond in the amount of ₱1,000, which he later reduced to ₱500. It must be noted that a bail is the security given for the release of a person in the custody of the law, conditioned upon his appearance in court when required. The posting of a bail, therefore, presupposes that the accused is detained or in the custody of the law. It was, therefore, highly suspect for respondent Judge not to order the arrest of the accused, and yet he required the putting up of a bail bond. The observation of Judge Querubin that respondent had shown evident partiality in favor of the accused in acquitting them in Criminal Cases Nos. 3163-P and 3165-P is equally incontestable.

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3. **ID.; ID.; CONDUCT IN ACTING AS NOTARY PUBLIC; NOT COMPLIED WITH IN CASE AT BAR.** — Finally, in the matter of notarization of promissory notes drawn in favor of accused Isidro Jacinto, respondent's misconduct lay not in acting as notary public but in his failure to (1) remit notarial fees to the municipal treasurer which he was bound to charge for the account of the government, and (2) state in the notarized documents the lack of notary public in the municipality or circuit. This is in violation of the Court's *en banc* resolution of 19 December 1989 in Administrative Matter No. 89-11-1303 MTC, embodied in Circular 1-90 issued by the Chief Justice on 26 February 1990.

4. **ID.; ID.; OFFICIAL CONDUCT SHOULD BE FREE FROM APPEARANCES OF IMPROPRIETY AND HIS PERSONAL BEHAVIOR SHOULD BE BEYOND REPROACH.** — For all the concerned, especially those who never learned any lesson from the past disciplinary punishments we had imposed, we stress for the umpteenth time what we stated in *Caamic v. Galapon*; thus: The courts exist to promote justice (Canon 2, Canons of Judicial Ethics); accordingly, the judge's official conduct should be free from appearance of impropriety, and his personal behavior, not only upon the bench and in performance of official duties, but also in his every day life, should be beyond reproach (Canon 3, *id.*). He is the visible representation of the law and, more importantly, of justice (*Office of the Court Administrator vs. Gines*, 224 SCRA 262 [1993]; Inciong *vs.* De Guia, 154 SCRA 93 [1987]; *De la Paz vs. Inutan*, 64 SCRA 540 [1975]). He should administer his office with a due regard to the integrity of the system of the law itself, remembering that he is not a depositary power, but a judge under the sanction of law (Canon 18, *id.*).

5. **ID.; ID.; SIX MONTHS SUSPENSION IMPOSED ON RESPONDENT JUDGE FOR GROSS IGNORANCE OF THE LAW, EVIDENT PARTIALITY AND VIOLATION OF CIRCULAR NO. 1-90 AND CANON 2 OF CODE OF JUDICIAL CONDUCT.** — The commensurate penalty for respondent's gross ignorance of law; evident partially, which amounted to grave abuse of authority and conduct prejudicial to the best interest of the service; and violation of Circular 1-90 of this Court and Canon 2 of the Code of Judicial Conduct is suspension for six (6) months without pay, as well as a fine

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of ₱10,000, with the warning that the commission in the future of similar misfeasance or malfeasance or misconduct in office shall be dealt with more severely.

APPPEARANCES OF COUNSEL

Albano & Associates for complainants.

D E C I S I O N

DAVIDE, JR., *J.*:

In a verified petition[1] filed on 2 October 1996 with the Office of the Court Administrator, complainants charged respondent Judge Aproniano B. Nicolas of the Municipal Circuit Trial Court of Piddig-Solsona-Carasi, Ilocos Norte, with gross ignorance of the law, gross incompetence, and evident partiality in connection with the following criminal cases where complainants were the offended parties:

Case No.	*Crime Charged*	*Date Filed*	*Accused*
3162-P	Slander by Deed	13 December 1994	Isidro Jacinto
3163-P	Malicious Mischief	13 December 1994	Isidro Jacinto Benjamin Jacinto Elias Isidro
3164-P	Direct Assault	14 December 1994	Isidro Jacinto
3165-P	Malicious Mischief	14 December 1994	Isidro Jacinto Benjamin Jacinto
3166-P	Resistance and Disobedience to a Person in Authority or his Agent	15 December 1994	Isidro Jacinto

[1] *Rollo*, 1.

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The crimes were allegedly committed on 20 November 1994.

The petition recited the material facts or events upon which complainants based their grievances as follows:

After the filing of the complainant in the foregoing cases, respondent Judge had the accused arraigned on 16 March 1995 without any warrant for their arrest having been issued. Sensing an irregularity and gross ignorance of the law, if not grave abuse of authority, on the part of respondent, complainants filed on 10 July 1995 an Urgent Motion for Issuance of Warrant of Arrest. Respondent Judge denied the motion but required each accused to post a bail bond in the amount of ₱1,000 in each of the five cases. Upon motion of the accused, respondent Judge issued an order reducing the bond to ₱500 for each accused.

On 29 August 1996, respondent Judge handed down a decision acquitting all the accused in the aforesaid criminal cases, except in Criminal Case No. 3162-P for slander by deed, where accused Isidro Jacinto was convicted and sentenced to pay a fine of ₱200 and damages of ₱1,000.

On 1 October 1996, each of the four complainants executed an affidavit stating that after the last hearing of the cases on 19 April 1996, the respondent, together with the counsel of record and accused Isidro Jacinto, went to the house of Isidro; both left the house late in the evening. The two did this several times prior to the promulgation of the decision. The complainants also declared that respondent Judge was a partner of accused Isidro Jacinto in the business of lending fertilizers to the farmers. The respondent Judge's signature was required before the release of the fertilizers to the farmers/borrowers. For obvious reasons, this economic alliance greatly influenced the decision of respondent Judge in the said cases.

Complainants alleged that respondent committed evident partiality, gross ignorance of law, if not grave abuse of authority or discretion, in (a) denying the motion for issuance of warrant of arrest; and (b) reducing the bail bond to ₱500 in disregard of the guidelines outlined by existing laws. Complainants further

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alleged that the conviction of the accused in only one of the five cases was merely designed as a cover-up in order to avoid suspicion that the decision was orchestrated and evidently partial in favor of the accused.

In his comment,[2] respondent admitted that the accused in the five criminal cases were arraigned without any warrant or order for their arrest. He, however, claimed that all cases, except for Criminal Case No. 3164-P for direct assault, were covered by the Rule on Summary Procedure. Pursuant to Section 13, in relation to Section 16 thereof, the issuance of a warrant of arrest was not necessary before the accused could be arraigned. He did not issue a warrant of arrest in Criminal Case No. 3164-P because complainant Jimmy Bayag and his witnesses failed to appear for the preliminary examination, which is a prerequisite before the issuance of a warrant of arrest as provided for in Section 9(b) of Rule 112 of the Rules of Court. Moreover, at that moment, he did not find the necessity of placing the accused in custody.

Respondent judge also alleged that he denied the urgent motion for the issuance of a warrant of arrest because he did not find merit therein. The criminal cases in issue were filed on 13 and 14 December 1994. The accused were arraigned on 16 March 1995. It was only on 10 July 1995, or after almost seven months from the filing of the cases, that the motion was filed. The urgency of the motion no longer existed. If the accused were not detained but were released after their arraignment, it was because they need not be arrested as provided for in Section 16 of the Revised Rule on Summary Procedure.

As to the reduction of the bail, respondent contended that while there are guidelines in the determination and fixing of the bail bond of an accused, the court is not precluded from exercising its sound discretion in fixing the amount thereof. He was of the honest belief that the amount he fixed was just and reasonable. The cash bond of ₱500 for each of the accused in the five criminal cases was not for the purpose of releasing them from

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[2] *Rollo*, 133.

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custody under Section 1 of Rule 114 of the Rules of Court, but to further ensure their appearance in court when so required.

Respondent denied the allegation that the decision was orchestrated and evidently partial in favor of the accused; or was tainted with prejudice, malice, and bad faith; or was rendered with grave abuse of discretion and ignorance of the law. It was based on the evidence presented and the applicable laws and jurisprudence on the matter. He likewise denied having gone to the house of accused Isidro Jacinto during the pendency of the five cases.

The respondent likewise denied complainants' allegation that he was a partner of Isidro Jacinto in the business of lending fertilizers and cash to farmers. To guarantee the payment of the loans by the farmers, Isidro Jacinto required them to sign and execute promissory notes, which must be under oath. Those were the times when these farmer-borrowers would seek help from respondent and had their promissory notes subscribed and sworn to before him. He had nothing to do with the approval of the loan or the release of the fertilizer to the borrowers concerned.

Finally, respondent alleged that the instant complaint was filed by the Guillens purposely to harass him. He realized the predicament of complainants Andres and Eulalio Guillen and their brother lawyer, Atty. Melchor Guillen. The latter was a new practitioner, and the aforementioned criminal cases were his first cases in his town. As a new lawyer, he expected or wished to win his first case. When he failed in his expectations, naturally, his feelings were hurt; thus, he manipulated the filing of this meritless and baseless complaint if only to show his disgust and dissappointment.

On 6 August 1997, this Court referred the petition to the Executive Judge of RTC, Laoag City, for investigation, report, and recommendation.

After conducting hearing, Executive Judge Perla B. Querubin submitted her Report and Recommendation finding that "respondent Judge committed [1] gross ignorance of the law in

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relation to his irregular procedure in the five (5) criminal cases and in setting Criminal Case No. 3164-P for preliminary investigation; [2] evident partiality in acquitting the accused in Criminal Cases Nos. 3163-P and 3165-P; and [3] [violation of] Canon 2 of the Code of Judicial Conduct by his improper actuations in notarizing documents executed by private individuals concerning private interests in disregard of the conditions provided for under Circular No. 1-90 issued by the Supreme Court."

Judge Querubin noted that the five criminal cases were interrelated with each other. Four were covered by the Revised Rule on Summary Procedure, while the other one (Criminal Case No. 3164-P for direct assault) was subject to ordinary procedure. If the rule on summary procedure were applicable to said cases. the non-issuance of a warrant of arrest would have been correct because under Section 16 thereof, "the court shall not order the arrest of the accused except for failure to appear whenever required." However, paragragh 2, Section 1 of the Revised Rule on Summary Procedure expressly provides that the said Rule does not apply "to a criminal case where the offense charged is necessarily related to another criminal case subject to the ordinary procedure." Hence, the respondent displayed gross ignorance of the law when he applied the said Rule, and failed to issue a warrant of arrest and to require the accused to post bail for their provisional liberty.

The investigating judge found unacceptable the respondent's justification in not issuing a warrant of arrest in Criminal Case No. 3164-P. The record in said case does not show that the case was set for preliminary examination. Even granting that there was a preliminary examination and the complainants did not appear, such absence did not justify the non-issuance of a warrant of arrest. By setting the case for arraignment and trial, the respondent, after examining the affidavits of the parties and their witnesses, must have found probable cause that the accused committed the crime. Thus, he had no option but to issue a warrant for the arrest of the accused.

Anent the reduction of the bail from ₱1,000 to ₱500, no fault could be attributed to the respondent, as the complainants

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failed to show that the reduced bail of ₱500 was grossly inadequate.

Respondent Judge also committed gross ignorance of the law when he set for preliminary investigation Criminal Case No. 3164-P, which was cognizable not by the Regional Trial Court but by Municipal Circuit Trial Court.

Likewise, Judge Querubin found the respondent guilty of evident partiality in acquitting the accused in the two cases for malicious mischief. She considered as illogical respondent's opinion that "had the complainants stayed outside to continue their altercation with the accused, then the accused would not have thrown stones to the houses of the private complainants resulting in the damage to the private complainants' houses." Respondent himself found, in his decision, that the complainants went inside their respective houses to avoid further altercation with the accused. Besides, there was proof of the damage caused by the accused to complainant's houses.

On the issue of whether the respondent openly and notoriously fraternized with the accused during the pendency of the cases, the investigating judge ruled in favor of the respondent and considered the testimonies in respect thereto as self-serving.

As to the allegation that respondent Judge was a partner of accused Isidro Jacinto in the business of lending fertilizer to farmers, the investigating Judge held that the respondent's act of notarizing the promissory notes drawn in favor of Jacinto did not make him a business partner of said accused. Nevertheless, such act created an impression among the farmers that they could not borrow from Jacinto without the approval of respondent Judge. In this respect, the respondent violated the Code of Judicial Conduct, which mandates that "a judge should avoid impropriety and the appearance of impropriety in all activities" and that he should "so behave at all times as to promote public confidence in the integrity and impartiality of the judiciary."

Moreover, while the respondent could notarize private documents, there being no notary public in the municipality of

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Piddig, Ilocos Norte, at the time, he, however violated Circular No. 1-90 which requires that (1) all notarial fees charged be for the account of the Government and turned over to the municipal treasurer; and (2) certification be made in the notarized documents attesting to the lack of any lawyer or notary public in such municipality or circuit.

Judge Querubin then recommended that the respondent be suspended for three months without pay and fined in the amount of ₱3,000.

The Office of the Court Administrator concurred with Judge Querubin in her findings but recommended three months suspension only without fine.

We also agree with the findings of fact and conclusion of investigating Judge Perla Querubin. However, in view of the gravity of the grounds for the administrative sanctions, the penalty she recommended is too light.

Indeed, the respondent Judge displayed gross ignorance of the law when he applied the Revised Rule on Summary Procedure to the five criminal cases in question. True, Criminal Cases Nos. 3162-P, 3163-P, 3165-P, and 3166-P are covered by the Rule on Summary Procedure, since the penalties for the offenses charged therein do not exceed 6 months imprisonment or ₱1,000, fine.[3] However, in Criminal Cases Nos. 3164-P for direct assault, the imposable penalty is *prision correccional* in its medium and maximum periods and a fine not exceeding ₱1,000, as the complaint alleged that the accused laid hands upon a *barangay* captain, who is a person in authority.[4] The duration of such penalty is 2 years, 4 months, and 1 day to 6 years. Contrary to the view of the Office of the Court Administrator, Criminal Case No. 3164-P for direct assault, which was allegedly committed on 20 November 1994, is no longer cognizable by the Regional Trial Court. Pursuant to Section 32 (2) of B.P. Blg. 129, as amended by Republic Act No. 7691, which took effect on 15

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[3] Section 1 (B) (4), Revised Rule on Summary Procedure.

[4] Article 152, Revised Penal Code.

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April 1994, the said case is cognizable by the Municipal Circuit Trial Court because the offense charged therein is punishable with imprisonment not exceeding 6 years. But since the penalty therefor is imprisonment exceeding 6 months, ordinary procedure, not the rule on summary procedure, should govern.

It being undisputed that the four other cases were necessarily related to Criminal Case No. 3164-P, which, as earlier stated, fell within the ambit of regular procedure, the rule on summary procedure would not be applicable.[5] Respondent Judge should not have therefore, applied the latter rule particularly its Section 16, which provides:

> Sec. 16. Arrest of Accused. — The court shall not order arrest of the accused except for failure to appear whenever required. Release of the person arrested shall either be on bail or on recognizance by a responsible citizen acceptable to the court.

Instead, respondent should have applied Section 9(b) of Rule 112 of the Rules on Criminal Procedure, which treats of cases which fall within the jurisdiction of inferior courts but are not within the ambit of the Revised Rules on Summary Procedure. The Section provides:

> (b) Where filed directly with the Municipal Trial Court. — If the complaint or information is filed directly with the Municipal Trial Court, the procedure provided in Section 3(a) of this Rule shall likewise be observed. If the judge finds no sufficient ground to hold the respondent for trial, he shall dismiss the complaint or information. Otherwise, he shall issue a warrant of arrest after personally examining in writing and under oath the complaint and his witnesses in the form of searching questions and answers.[6]

As observed by Judge Querubin, by setting the cases for arraignment and trial, respondent judge must have found probable cause to hold the accused for trial. He should have proceeded to examine in writing and under oath the complainants and his

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[5] Section 1(B) (4), 2nd paragraph, Revised Rule on Summary Procedure.

[6] As amended by the 7 July 1988 Resolution of the Supreme Court.

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witnesses by searching questions and answers. The records do not show that the respondent set the case for, or conducted, such examination preparatory to issuing a warrant of arrest. Neither is there any subpoena or order requiring the complainants or his witnesses to appear in court for such examination. The inevitable conclusion is that the respondent judge skipped this procedure.

Strangely, while the respondent denied the motion for issuance of a warrant of arrest, he required the accused to post a bail bond in the amount of ₱1,000, which he later reduced to ₱500. It must be noted that a bail is the security given for the release of a person in the custody of the law, conditioned upon his appearance in court when required.[7] The posting of a bail, therefore, presupposes that the accused is detained or in the custody of the law. It was therefore, highly suspect for respondent Judge not order the arrest of the accused, and yet he required the putting up of a bail bond.

The observation of Judge Querubin that respondent had shown evident partiality in favor of the accused in acquitting them in Criminal Cases Nos. 3163-P and 3165-P is equally incontestable. Indeed, the logic he used in acquitting the accused despite sufficient proof of the crime is, in the language of Judge Querubin, "beyond comprehension."

Finally, in the matter of notarization of promissory notes drawn in favor of accused Isidro Jacinto, respondent's misconduct lay not in acting as notary public but in his failure to (1) remit notarial fees to the municipal treasurer which he was bound to charge for the account of the government, and (2) state in the notarized documents the lack of notary public in the municipality or circuit. This is in violation of the Court's *en banc* resolution of 19 December 1989 in Administrative Matter No. 89-11-1303 MTC, embodied in Circular No. 1-90 issued by the Chief Justice on 26 February 1990.

As we see it, the actuations of respondent could not have been merely due to palpable inadequate knowledge or gross

[7] Section 1, Rule 114, Rules on Criminal Procedure.

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ignorance of the applicable law, but also to his apparent bias in favor of the accused, especially accused Isidro Jacinto. We are convinced that respondent is not just an ordinary friend of accused Isidro Jacinto. They are close friends bound by mutual interest as indisputably evidenced by his notarizing promissory notes drawn in favor of Jacinto in connection with the latter's business.

For all the concerned, especially those who never learned any lesson from the past disciplinary punishments we had imposed, we stress for the umpteenth time what we stated in *Caamic v. Galapon*;[8] thus:

> The courts exist to promote justice (Canon 2, Canons of Judicial Ethics); accordingly, the judge's official conduct should be free from appearance of impropriety, and his personal behavior, not only upon the bench and in performance of official duties, but also in his every day life, should be beyond reproach (Canon 3, *id.*). He is the visible representation of the law and, more importantly, of justice (*Office of the Court Administrator vs. Gines*, 224 SCRA 262 [1993]; *Inciong vs. De Guia*, 154 SCRA 93 [1987]; *De la Paz vs. Inutan*, 64 SCRA 540 [1975]). He should administer his office with a due regard to the integrity of the system of the law itself, remembering that he is not a depositary power, but a judge under the sanction of law (Canon 18, *id.*)

The commensurate penalty for respondent's gross ignorance of law; evident partiality, which amounted to grave abuse of authority and conduct prejudicial to the best interest of the service; and violation of Circular 1-90 of this Court and Canon 2 of the Code of Judicial Conduct is suspension for six (6) months without pay, as well as a fine of ₱10,000, with the warning that the commission in the future of similar misfeasance or malfeasance or misconduct in office shall be dealt with more severely.

WHEREFORE, for gross ignorance of law; evident partiality amounting to grave abuse of authority and conduct prejudicial to the best interest of the service; and violation of Circular 1-

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[8] 237 SCRA 390, 396 [1994].

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90 and Canon 2 of the Code of Judicial Conduct, public respondent Judge Aproniano B. Nicolas is SUSPENDED from office without pay for a period of SIX MONTHS effective upon service on him of a copy of this decision, and ordered to PAY a fine of Ten Thousand Pesos (₱10,000) within five (5) days from such service.

The Office of the Court Administrator shall cause immediate service of this decision on the respondent.

SO ORDERED.

Bellosillo, Vitug, Panganiban, and *Quisumbing, JJ.,* concur.

SECOND DIVISION

[G.R. No. 77865. December 4, 1998]

PEOPLE OF THE PHILIPPINES, *appellee, vs.* **RAFAEL OLIVAREZ, JR., and DANILO ARELLANO,** *appellants.*

SYNOPSIS

In 1981, the dead bodies of Filipino-Chinese businessmen TIU HUI and ZIE SING PIU were found inside the building where their business establishment was situated. Circumstantial evidence showed that herein appellants Rafael Olivarez, Jr. and Danilo Arellano committed the crime which were actually the basis of the decision of the trial court in declaring them guilty of the complex crime of robbery with double homicide and sentencing them to suffer the death penalty. On appeal to the Supreme Court, appellants contended that their guilt was not proven beyond reasonable doubt, and alternatively, they argued that in case their conviction is sustained, the death penalty should not be imposed on them in the light of the 1987 constitution.