Supreme Court E-Library

SECOND DIVISION

[A.M. No. P-1487. December 20, 1977]

MARIA H. PEROL, *complainant, vs.* **ARSENIO LUPISAN, JR.,** *respondents.*

RESOLUTION

AQUINO, *J.*:

Maria H. Perol, a cashier in the D & G restaurant at North Bay Boulevard, Navotas, Rizal, in her verified complaint dated December 27, 1976, charged Arsenio R. Lupisan, Jr., the interpreter in the municipal court of Navotas, Rizal, with immorality for having allegedly caused her pregnancy.

Lupisan denied the charge. He explained that his relations with Maria were platonic and that she had made him the scapegoat for her predicament after she learned that he is the sole heir of his widowed mother.

At the hearing on October 25, 1977, conducted by the Executive Judge of the Court of First Instance of Caloocan City, Lupisan moved for the dismissal of the charge on the ground that he had ceased to be a court interpreter because his appointment expired on August 11, 1977 and that he was not seeking reappointment.

In view of that motion to dismiss, the counsel for Maria H. Perol manifested that she was withdrawing her complaint.

The Investigator in his report recommended that the case be considered closed.

Under the circumstances, there is no justification for further proceeding against respondent Lupisan.

WHEREFORE, the complaint is dismissed and this case is considered closed.

Supreme Court E-Library

SO ORDERED.

Barredo (Actg. Chairman), Antonio, Concepcion Jr., and *Guerrero, JJ.*, concur.

Fernando and *Santos, JJ.*, on leave.

Guerrero, J., was designated to sit in the Second Division.

SECOND DIVISION

[G.R. No. L-36435. December 20, 1977]

THE PEOPLE OF THE PHILIPPINES, *plaintiff-appellee, vs.* **ROLANDO PEÑA** *Y* **CAYAS,** *accused-appellant.*

SYLLABUS

1. REMEDIAL LAW; EVIDENCE; EXTRAJUDICIAL CONFESSIONS; VOLUNTARINESS; CASE AT BAR.— Patrolman Florendo C. Angeles testified that Peña voluntarily recounted what had happened. The investigation was conducted in a room twenty meters long and seven meters wide. Patrolman Angeles asked Peña questions which he typed together with his answers Angeles denied that he made threats against Peña. The trial court found that the confession was voluntary. We agree with that finding. It should be noted that on the occasion when Peña's confession was taken, Esther Tayag was in the police precinct, where she was also investigated. She had a confrontation with Peña. She pointed to him and shouted in Tagalog: "*Iyan ang gumahasa sa akin. Patayin ninyo iyan. Sunugin ninyo iyan.*" Peña invoked section 20, Article IV of the 1973 Constitution which provides that "no person shall be compelled to be a witness against himself"; that "any person under investigation for the commission of an offense shall have the right to remain silent and to counsel, and to be informed of such right"; that "no force, violence, threat, intimidation,