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WHEREFORE, the judgment of the trial court is hereby affirmed, with the modification that the accused Efren Urminita *y* de Leon should suffer the penalty of *reclusion perpetua*. With costs against the accused in this instance.

SO ORDERED.

Fernando, C.J., Barredo, Makasiar, Antonio, Aquino, Santos, Fernandez, Guerrero, Abad Santos, De Castro, and *Melencio Herrera, JJ.*, concur.

Teehankee, J., took no part.

EN BANC

[G.R. No. L-33607. December 14, 1979]

THE PEOPLE OF THE PHILIPPINES, *plaintiff-appellee, vs.* **ANTONIO MADLANGBAYAN *Y* BONET,** *defendant-appellant.*

SYLLABUS

1. REMEDIAL LAW; EVIDENCE; EXTRA-JUDICIAL CONFESSION; PROOF OF VOLUNTARINESS.— Appellant's claim is belied by the abundance of evidence showing that his confession was voluntarily given. First, the confession is replete with details which the accused alone could have known and which could not have been concocted by the police. The movements of the accused prior to the commission of the crime which are narrated above are from his confession. Second, Fiscal Mariano Chavez who administered the oath in the confession of the appellant testified that he first asked him whether he gave his statement and affixed his thumbmark thereon voluntarily and the appellant answered in the affirmative. Fiscal Chavez further testified that the accused did not complaint to him of any maltreatment nor

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was the accused maltreated by the police in his presence. Third, the accused re-enacted the commission of the crime where he reiterated the statements he had made in his confession. The re-enactment, according to Patrolman Carag, was voluntary and this must be so because it was made in a public place thus negating any suggestion of violence employed on the accused. And fourth, the accused did not present any medical certificate to show that he suffered injury at the hands of the police.

2. **ID.; ID.; ID.; SUFFICIENT FOR CONVICTION WHEN CORROBORATED BY EVIDENCE OF *CORPUS DELICTI*; CASE AT BAR.**— From the evidence of the prosecution, apart from the extrajudicial confession of the appellant, the fact of the commission of the crime of robbery with homicide, is well and sufficiently established. Said fact, which is the *corpus delicti* of the offense charged has been proved by the uncontradicted testimonies of Elywelyn Fallarme and the police officers assigned to this case, as well as by the testimony of Dr. Abelardo Lucero, the police medical examiner, as to the death of Enrique Fallarme, together with the documentary evidence of the necropsy report stating the *post-mortem* findings, including the cause of death. On the presumption that no person of normal mind will deliberately and knowingly confess himself to be the perpetrator of a crime unless prompted by truth and conscience, said extrajudicial confession when considered together with evidence of the perpetration of the crime, is worthy of belief as proof of commission by the confessant of the crime to which the confession refers.

APPEARANCES OF COUNSEL

Reynaldo Banta for appellant.

Solicitor General Estelito P. Mendoza, Assistant Solicitor General Eduardo C. Abaya and Solicitor Salvador C. Jacob for appellee.

D E C I S I O N

PER CURIAM:

Antonio Madlangbayan *y* Bonet was accused of the crime of robbery with homicide, committed according to the information as follows:

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"That on or about December 27, 1970 in the City of Manila, Philippines, the said accused, conspiring and confederating together with three others whose true names, identities and whereabouts are still unknown, and helping one another, did then and there willfully, unlawfully and feloniously, with intent of gain, and by means of violence, take away from the pocket of Enrique Fallarme one black leather wallet containing cash in different denominations amounting to ₱300.00 and one Seiko wrist watch valued at ₱300.00, or a total value of ₱600.00, Philippine currency, to the damage and prejudice of said Enrique Fallarme, owner thereof, in the said sum of ₱600.00; that on the occasion of the said robbery and for the purpose of enabling them to take, steal and carry away the said articles and money, the herein accused, in pursuance with his conspiracy with the others still unknown, did then and there willfully, unlawfully and feloniously, with intent to kill and taking advantage of their superior strength, treacherously attack, assault and use personal violence upon the said Enrique Fallarme by then and there stabbing him several times with bladed weapons on different parts of body, thereby inflicting upon him mortal wounds which were the direct and immediate cause of his death thereafter."

After trial, he was sentenced thus:

"WHEREFORE, accused is hereby found guilty beyond reasonable doubt as principal of the crime of robbery with homicide and there being proved the aggravating circumstance of abuse of superior strength without any mitigating circumstance to offset the same, the Court sentences him to DEATH: to indemnify the heirs of the deceased the sum of ₱12,000.00 for the death of the latter, the sum of ₱10,000.00 by way of moral damages, the sum of ₱10,000.00 by way of exemplary damages; to return to the heirs of the victim the articles and cash taken from the latter or to indemnify them the sum of ₱600.00 representing the total value thereof if he fails to do so; and to pay the costs."

In the afternoon of December 27, 1970, Enrique Fallarme and his son, Elywelyn Fallarme went to their grocery store at Quiapo Central Market, where Elywelyn took ₱300.00 in various denominations and handed the money to his father who placed it in his leather wallet. Thereafter, Elywelyn brought his father to Canonigo St. in Paco, where a road construction was being undertaken.

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Enrique Fallarme, as a supervising engineer in the City Engineer's Office of Manila, supervised the road construction. Between 7:00 and 7:30 o'clock in the evening, Enrique Fallarme was stabbed to death by unknown assailants at the corner of San Gregorio and Canonigo streets.

Abelardo V. Lucero, Medical Examiner of the Manila Police Department, who autopsied the body of Enrique Fallarme testified that there were five stab wounds on his chest, stomach and at the back. Death was attributed to shock and hemorrhage due to the multiple stab wounds.

Elywelyn Fallarme, who repaired to the scene, found his father sprawled on the ground, dead. He discovered that his father's wallet containing the ₱300.00 as well as his Seiko wrist watch worth ₱300.00 were missing.

During the wake at Lourdes Church in La Loma, Quezon City, the following evening, Patrolmen Rafael Carag and Asterio Santos of the Manila Police Department brought the accused Antonio Madlangbayan to view the cadaver of Enrique Fallarme. The accused identified the remains as the person he had stabbed on December 27, 1970.

It appears that Antonio Madlangbayan was arrested by the police at his house in Kahilom, Pandacan, by Patrolmen Eduardo Cuevas and Reynaldo Pimentel both of the MPD on information furnished by a police informer. Upon investigation, he disclosed his participation in the hold-up stabbing of the deceased, together with a certain "Boy Marino," "Imping" and "Rody." In answer to a question, he stated that he could recognize and identify the man they stabbed at the corner of San Gregorio and Canonigo streets. It was for this reason that the police officers brought Antonio to view the deceased.

Thereafter, Patrolman Rafael Carag embodied Antonio's statement in writing in the usual question and answer form, in Tagalog, at the end of which the accused affixed his thumbmark for he did not know how to read and write. The statement (Exhibit E) was then sworn to before Manila inquest Fiscal

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Mariano Chavez on December 29, 1970, at 12:50 in the morning. It stated in substance that: Late in the afternoon of December 27, 1970, the accused Antonio Madlangbayan was with a certain "Boy Marino," "Imping" and "Rody." The four converged near the Public Highway Barracks near the Manila Railroad Station in Paco, intending to have a drinking spree. They walked along Canonigo St. towards Manuel Roxas High School. They stopped at Golden Taxi Restaurant and Antonio Madlangbayan gave "Boy Mariño" twenty centavos to buy "Champion" cigarettes. In front of Manuel Roxas High School, they saw Enrique Fallarme standing near a pine tree. That was past 7:00 o'clock in the evening. What happened next is narrated by the accused in Exhibit E as follows:

"Nilapitan naming apat at pinaligiran namin. Tinutukan ko ang MAMA ng kutchiliong stainless na pangkusina, sa kaliwang tagiliran, si BOY MARIÑO ay tinutukan ang MAMA ng patalim na double blade sa parteng leeg sa kanan. Ang si "IMPING" at si "RODY" ay nasa likuran. Ang sabi ng MAMA ay ganito "ANO ANG KASALANAN KO." Ang sabi ni BOY MARIÑO ay ganito "WALA, ITAAS MO ANG KAMAY MO," sabay kapkap sa likurang bulsa ng MAMA at ang ipinangkapkap ay kaliwa niyang kamay. Nakuha ni BOY MARIÑO and perang papel at pitaka. Yong Mama na nakataas ang kamay ay biglang ibinaba and kanyang mga kamay. Akala ko ay manglaban kaya ko naman siyang sinaksak at naramdaman ko na tinamaan ko sa parteng tagiliran niya. Sinundan ko pa siya ng saksak sa likod at inabot ko kay "IMPING" ang aking kutchilio at kinuha naman niya at tumakbo na ako, na patungong HIWAY."

On December 31, 1970, the crime was re-enacted by the accused and pictures were taken, namely Exhibits G, G-1 to G-9.

The extrajudicial confession served as the principal evidence linking the accused to the commission of the crime of robbery with homicide, for which he was convicted and sentenced as above stated.

The accused who admitted to being a member of the *Bahala Na Gang*, now maintains that his extrajudicial confession was coereed from him. He claims that when he refused to affix his

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thumbmark to Exhibit E, he was boxed by Patrolman Cuevas and his companions. But it is to be noted that while Patrolmen Cuevas and Pimentel were the ones who arrested the accused in Kahilom, Pandacan, at which time the accused gave his name as Rudy only to admit later that he was Tony because Cuevas noticed a tattoo on his arm reading "Tony," it was Patrolman Carag who took and witnessed his extrajudicial confession together with Patrolman Asterio Santos.

A confession has a high evidentiary value. For according to the Rules of Court: "The declaration of an accused expressly acknowledging his guilt of the offense charged, may be given in evidence against him." (Sec. 29, Rule 130). And a confession is presumed to be voluntary until the contrary is shown.

The presumption has not been overcome in this case where, except for appellant's testimony repudiating his confession, no other evidence was adduced to show that the statements in the confession were obtained through force or intimidation. On the contrary, appellant's claim is belied by the abundance of evidence showing that his confession was voluntarily given. First, the confession is replete with details which the accused alone could have known and which could not have been concocted by the police. The movements of the accused prior to the commission of the crime which are narrated above are from his confession. Second, Fiscal Mariano Chavez who administered the oath in the confession of the appellant testified that he first asked him whether he gave his statement and affixed his thumbmark thereon voluntarily and the appellant answered in the affirmative. Fiscal Chavez further testified that the accused did not complaint to him of any maltreatment nor was the accused maltreated by the police in his presence. Third, the accused re-enacted the commission of the crime where he reiterated the statements he had made in his confession. The re-enactment, according to Patrolman Carag, was voluntary and this must be so because it was made in a public place thus negating any suggestion of violence employed on the accused. And fourth, the accused did not present any medical certificate to show that he suffered injury at the hands of the police.

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The more crucial question is whether the extrajudicial confession is sufficient to sustain the conviction. The Rules of Court provide that "An extrajudicial confession made by an accused shall not be sufficient ground for conviction, unless corroborated by evidence of *corpus delicti*." (Sec. 3, Rule 133).

Corpus delicti means the substance of the crime, the fact that a crime has actually been committed.

The evidence of *corpus delicti* must be independent of the extrajudicial confession. However, it does not mean that every element of the crime must be made out apart from the confession, but merely that there should be some evidence apart from the confession tending to show that the crime has been committed. (See *People vs. Batangan*, 54 Phil. 834).

In this case, from the evidence of the prosecution, apart from the extrajudicial confession of the appellant, the fact of the commission of the crime of robbery with homicide, is well and sufficiently established. Said fact, which is the *corpus delicti* of the offense charged has been proved by the uncontradicted testimonies of Elywelyn Fallarme and the police officers assigned to this case, as well as by the testimony of Dr. Abelardo Lucero, the police medical examiner, as to the death of Enrique Fallarme, together with the documentary evidence of the necropsy report stating the post-mortem findings, including the cause of death.

On the presumption that no person of normal mind will deliberately and knowingly confess himself to be the perpetrator of a crime unless prompted by truth and conscience, (*U.S. vs. de los Santos*, 24 Phil. 329), said extrajudicial confession when considered together with evidence of the perpetration of the crime, is worthy of belief as proof of commission by the confessant of the crime to which the confession refers.

Meanwhile, the trial court committed no error in rejecting the defense that the accused was at the residence of his uncle Atty. Juan Blancaflor in Kahilom, Pandacan, between 7:00 and 9:00 o'clock in the evening of December 27, 1970, which was the latter's birthday. Considering that the residence of Atty. Blancaflor was barely 500 to 600 meters away from the scene

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of the crime, it was not impossible for the accused to have gone there between the hours mentioned. Moreover, as there were some guests at the residence of Atty. Blancaflor, the possibility that he could not have noted the exact time the accused arrived at his house cannot be discounted.

Hence, our painful task of sustaining the conviction of the accused.

Finally, it is manifest that the accused together with his co-assailants who unfortunately have not been apprehended, took advantage of their superior strength, when the four of them, two of whom were armed with bladed weapons surrounded and stabbed the unarmed, helpless and unsuspecting victim. The aggravating circumstance of abuse of superior strength was correctly appreciated by the trial court.

WHEREFORE, finding the accused guilty beyond reasonable doubt of the crime of robbery with homicide, the judgment under review is hereby affirmed in its entirety.

SO ORDERED.

Barredo, Makasiar, Antonio, Aquino, Concepcion, Jr., Santos, Fernandez, Guerrero, Abad Santos, De Castro, and *Melencio-Herrera, JJ.*, concur.

Fernando, C.J. and *Teehankee, J.*, took no part.