



Republic of the Philippines  
**Supreme Court**  
 Manila

**FIRST DIVISION**

**PEOPLE OF THE PHILIPPINES,**  
 Plaintiff-Appellee,

**G.R. No. 206296**

Present:

- versus -

SERENO, C.J.,  
*Chairperson,*  
 LEONARDO-DE CASTRO,  
 BERSAMIN,  
 PEREZ, and  
 PERLAS-BERNABE, JJ.

**RODOLFO OMILIG y MANCIA,**  
**ANACLETO C. MATAS, JR.,**  
**RAMIL PEÑAFLOR, and OSCAR**  
**ONDO,**

Accused.

Promulgated:

**RAMIL PEÑAFLOR y LAPUT,**  
 Accused-Appellant.

**AUG 12 2015**

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**DECISION**

**PEREZ, J.:**

For review is the conviction of accused-appellant Ramil Peñaflor y Laput (accused-appellant Peñaflor) for the crime of murder, punishable under Article 248 of the Revised Penal Code, by the Regional Trial Court (RTC),<sup>1</sup> Branch 5 of Lanao del Norte, City of Iligan, in Criminal Case No. 4971, entitled "*People of the Philippines v. Rodolfo Omilig y Mancía, Anacleto C. Matas, Jr., Ramil Peñaflor and Oscar Ondo,*" which was affirmed by the Court of Appeals<sup>2</sup> in CA-G.R. CR HC No. 00109-MIN.

On 7 September 1993, an Information<sup>3</sup> was filed against accused Rodolfo Omilig y Mancía (Omilig) for the killing of Eduardo Betonio

<sup>1</sup> Penned by Presiding Judge Moslemen T. Macarambon; CA rollo, pp. 43-77.

<sup>2</sup> Penned by Associate Justice Edgardo T. Lloren, with Associate Justices Romulo V. Borja, Michael P. Elbinias and Elihu A. Ybañez concurring, and Associate Justice Jane Aurora C. Lantion dissenting; rollo, pp. 4-24.

<sup>3</sup> CA rollo, pp. 13-14.

(Betonio). On 16 November 1993, the Information<sup>4</sup> was amended, impleading accused Anacleto C. Matas, Jr. (Matas) and accused-appellant Peñaflor. Finally, the Information<sup>5</sup> was again amended, which impleaded accused Oscar Ondo (Ondo).

### **The Second Amended Information**

That on or about August 21, 1993, in the City of Iligan, Philippines, and within the jurisdiction of this Honorable Court, the said accused, conspiring and confederating together and mutually helping each other, armed with a deadly weapon, to wit: a firearm and a hunting knife, with intent to kill and evident premeditation and by means of treachery, did then and there willfully, unlawfully and feloniously attack, assault, shoot, stab and wound one Eduardo Betonio the following physical injurie[s], to wit:

Cardiorespiratory Arrest Hypovolemic Shock due to (1)  
Stab wound (L) side chest 6ICS penetrating (2)  
GSW (R) chest superficial exit (1) chest (3) GSW  
(B) middle forearm & slug posteriorly extracted

and as a result thereof[,] the said Eduardo Betonio died.<sup>6</sup>

During arraignment, all the accused entered a plea of not guilty. Trial ensued.

The prosecution presented 10 witnesses, namely: (i) Danilo Estur (Estur), State Auditor IV of the Commission on Audit, who testified that he was the one who investigated the matter of the unaccounted 9,000 bags of rice in the bodega of the National Food Authority (NFA), under the account of accused Matas;<sup>7</sup> (ii) Senior Police Officer (SPO)4 Antonio T. Lubang (SPO4 Lubang), Chief of the Homicide Section of the Iligan City Police Department, who testified that he was the one who investigated the killing of Betonio and who invited accused-appellant Peñaflor to the police station for investigation; (iii) Johnson Laspiñas, who testified that the knife used to kill Betonio was the same knife Omilig used to cut the food which was served to them during the fiesta; (iv) Dr. Livey Villarín (Dr. Villarín), who conducted the post-mortem examination on the cadaver of Betonio, and testified on the injuries sustained by Betonio and the cause of his death; (v) Vicenta Betonio (Vicenta), widow of Betonio, who testified that while inside their house on the evening of 21 August 1993, she heard gunshots quickly followed by

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<sup>4</sup> Id. at 15-16.

<sup>5</sup> Id. at 17-18.

<sup>6</sup> Records, p. 108. (Underscoring supplied.)

<sup>7</sup> Exhibits "A," "B," "D," "D-1," "G," "K," and "L"; id. at 398-401 and 413- 414.

Betonio's voice shouting, "If you want to kill me, don't include my wife,"<sup>8</sup> then after a few minutes, she went out of the house and saw Betonio slumped on the ground, and while still conscious, Betonio whispered to her the names of Delfin and Matas; (vi) Atty. Neferteri Salise-Cristobal (Atty. Cristobal), who testified that she was chosen by accused-appellant Peñaflor to assist him during his confession before Assistant City Prosecutor Roberto Z. Albulario (Assistant City Prosecutor Albulario) on 12 November 1993; (vii) Basilio Fajardo (Fajardo), driver of Betonio, who testified that at about 8:30 p.m. on 21 August 1993, as soon as Betonio disembarked from the Ford Fiera at the gate of Betonio's residence, he heard Betonio say, "Aguy! Aguy!," which was followed by gunshots, that immediately after the incident, he saw two persons running away from the scene; (viii) Atty. Floro Cavales (Atty. Cavales), who testified that he assisted accused-appellant Peñaflor during the latter's second confession conducted before City Prosecutor Ulysses Lagcao (City Prosecutor Lagcao); (ix) Rosita L. Abapo, Stenographic Reporter IV of the City Prosecutor's Office, who testified that when accused-appellant Peñaflor's extrajudicial confessions were taken, the latter was assisted by qualified counsel; and (x) City Prosecutor Lagcao, who testified on the conduct of the preliminary investigation.

On the other hand, the defense presented eight witnesses (accused Omilig presented five [5] witnesses, while accused-appellant Peñaflor presented three [3] witnesses), namely: (i) Omilig, who testified that he was not the owner of the knife used in the killing of Betonio and that at the time of the incident, he was at a benefit dance in Tambis, Lala, Lanao del Norte. Omilig also testified that he was forced to sign a sworn statement,<sup>9</sup> admitting the ownership of the knife, under threat, duress, and intimidation; (ii) Orlando Dumaan (Dumaan), who corroborated Omilig's testimony that the latter did not own the knife used to kill Betonio; (iii) Ruperto Ramos, who corroborated Dumaan's and Omilig's testimonies that Omilig did not own the knife used to kill Betonio; (iv) Teofila Romero-Omilig, who corroborated Omilig's testimony that on the night of the incident, he attended a benefit dance in Tambis, Lala, Lanao del Norte in Omilig's capacity as a peace keeper; (v) Teresita Iboras, who testified that she invited Omilig to be a peace keeper during a benefit dance on 21 August 1993; (vi) Dioscora Praquilles (Praquilles), who testified that on 12 November 1993, SPO4 Lubang and SPO3 Anastacio Badelles (SPO3 Badelles) arrived at her residence and looked for a certain Ruben Baguio. Upon seeing accused-appellant Peñaflor, SPO4 Lubang and SPO3 Badelles immediately brought accused-appellant Peñaflor to the police station without any warrant of arrest. On 13 November 1993, Praquilles went to the office of Atty. Gerardo Padilla with Rosello Peñaflor, accused-appellant Peñaflor's father, to engage

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<sup>8</sup> Id. at 780.

<sup>9</sup> Exhibit "G"; id. at 405-407.

his services as counsel for accused-appellant Peñaflor's case; (v) Rosita Tabugo, an employee of the NFA, identified the report, mission order, and report of the investigation on Fajardo, and log book of the security guards of the NFA regarding the burning incident that damaged the Toyota Cruiser driven by Fajardo;<sup>10</sup> (vi) Atty. Gerardo B. Padilla, who testified that accused-appellant Peñaflor's two confessions were in violation of his constitutional right to choose a counsel of his own; (vii) Paridu Lu Midsalipag, and (viii) Omar Mohamad, both employees of the NFA, who identified the mission order and other documents regarding the burning incident that damaged the Toyota Cruiser driven by Fajardo.

The defense also presented two rebuttal witnesses, namely: (1) SPO4 Lubang, who testified that contrary to Praquilles' testimony that he went to the Praquilles residence to look for a certain Ruben Baguio and not for accused-appellant Peñaflor, SPO4 Lubang attested that he went to the Praquilles residence to invite accused-appellant Peñaflor to the police station for inquiry; and (2) Fajardo, who testified that he had no criminal record and had worked with the NFA for a number of years.

### **The Facts**

Estur, a COA Auditor, discovered in July 1993 rice stocks unaccounted for in the bodega of the NFA. The stocks were under the account of Matas. Upon the recommendation of Estur, COA State Auditor IV, Betonio, who was the Provincial Manager of NFA, Lanao del Norte, suspended accused Matas.

On 21 August 1993, at about 8:00 p.m., Betonio, upon disembarking from the Ford Fiera driven by Fajardo, was stabbed and shot in front of his rented apartment at Bertumen Compound, Palao, Iligan City. Upon hearing her husband shout, "If you want to kill me, don't include my wife," quickly followed by two gunshots, Vicenta hid inside their apartment. After a few minutes, she went out of the house and saw Betonio, barely alive, slumped on the ground with a knife, with a handle like that of an eagle and a carving like that of a dragon, still pierced through his chest. Before Betonio was brought to the Dr. Uy Hospital, where he was later pronounced dead on arrival, he whispered to his wife the names, Delfin and Matas.

Based on the necropsy conducted by Dr. Villarin, Betonio died of cardio-respiratory arrest hypovolemic shock due to a gunshot and deep stab wounds.

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<sup>10</sup> Exhibits "8" and "9"; id. at 529-539.

During the investigation, SPO4 Lubang initially identified the following as suspects: Edgar Matas, Anacleto Matas, Jr., and Oscar Ondo. However, in the course of the investigation, after publishing a sketch of the knife which was found embedded in Betonio's chest, they were informed that a certain Ramil Peñaflor was the actual killer.

On 12 November 1993, SPO4 Lubang and SPO3 Badelles went to the house of one Dioscora Praquilles. There they found accused-appellant Peñaflor, whom they invited to the Iligan City Police Station for interrogation. During the investigation, accused-appellant Peñaflor admitted killing Betonio and that he was hired by accused Ondo, the brother-in-law of Matas, for the amount of ₱15,000.00, to kill Betonio. At 3:00 p.m. of that same day, the police brought accused-appellant Peñaflor to the Office of the City Prosecutor to obtain his admission,<sup>11</sup> which was conducted by Assistant City Prosecutor Albulario, with the assistance of Atty. Cristobal, as counsel *de officio*.

The following day, 13 November 1993, Praquilles went to the Padilla Law Office to engage the latter's services as counsel for accused-appellant Peñaflor. Pursuant to the agreement, the Padilla Law Office, through Atty. Gerardo Padilla, entered its appearance as counsel for accused-appellant Peñaflor in a letter, which was received by the Office of the City Prosecutor on 15 November 1993.<sup>12</sup>

However, on the same day that the Padilla Law Office entered its appearance as counsel for accused-appellant Peñaflor, or three days after accused-appellant Peñaflor's first extrajudicial confession/admission, accused-appellant Peñaflor discharged the Padilla Law Office as counsel and entered a second extrajudicial confession.<sup>13</sup> This time, however, the second extrajudicial confession was conducted by City Prosecutor Lagcao, with the assistance of Atty. Cavales, as counsel *de officio*.

### **Ruling of the RTC**

After trial, the RTC acquitted accused Matas, Omilig, and Ondo, while it convicted accused-appellant Peñaflor for the crime of murder for killing Betonio. The RTC admitted accused-appellant Peñaflor's extrajudicial confessions because they were not taken under duress or intimidation as the extrajudicial confessions were conducted at the Prosecutor's Office and not in a police station, and in the presence of his relatives. The dispositive portion of the RTC Decision reads:

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<sup>11</sup> Exhibit "P"; id. at 426-429.

<sup>12</sup> Exhibit "1"; id. at 518.

<sup>13</sup> Exhibits "N" and "2"; id. at 415 and 519, respectively.

Wherefore, accused Anacleto Matas, Jr., Rodolfo Omilig and Oscar Ondo are hereby acquitted for failure of the prosecution to prove their guilt beyond reasonable doubt. Consequently, their bonds are ordered cancelled.

Upon the other hand, the Court finds Ramil Peñaflor guilty beyond reasonable doubt of the crime of murder under Article 248 of the Revised Penal Code based on his extra-judicial confessions. Hence, he is hereby sentenced to suffer the penalty of Reclusion Perpetua. He is likewise ordered to indemnify the heirs of the victim the sum of ₱50,000.00 as moral damages; ₱20,000.00 exemplary damages and ₱30,000.00 attorney's fees.<sup>14</sup>

On appeal, the defense claimed that the two extrajudicial confessions accused-appellant Peñaflor executed were inadmissible in evidence for having been obtained in violation of his right to a competent and independent counsel. According to the defense, Attys. Cristobal and Cavales, the lawyers who assisted him, were not of his own choice. Accused-appellant Peñaflor claimed that Atty. Cristobal had not been engaged in criminal litigation and her assistance was merely ceremonial and perfunctory. Finally, accused-appellant Peñaflor claimed that Atty. Cavales did not even confer with him about the case.

### **Ruling of the Court of Appeals**

The Court of Appeals affirmed accused-appellant Peñaflor's conviction.

The Court of Appeals ruled that accused-appellant Peñaflor's two extrajudicial confessions were admissible in evidence as he was not under custodial investigation when the said extrajudicial confessions were executed; they were conducted before an Assistant City Prosecutor and a City Prosecutor.

As discussed by the Court of Appeals, "[c]ustodial investigation involves any questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his freedom of action in any significant way. It is only after the investigation ceases to be a general inquiry into an unsolved crime and begins to focus on a particular suspect, who is taken into custody, and the police carries out a process of interrogations that lend[s] itself to eliciting incriminating statements, that the

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<sup>14</sup> CA rollo, pp. 76-77.

rule[s] [as laid down in Section 12(1), Article III of the Constitution and Section 2 of Republic Act No. 7438] begin to operate.”<sup>15</sup>

The provision of Article III, Section 12(1) of the Constitution reads:

Section 12. (1) Any person under investigation for the commission of an offense shall have the right to be informed of his right to remain silent and to have competent and independent counsel preferably of his own choice. If the person cannot afford the services of counsel, he must be provided with one. These rights cannot be waived except in writing and in the presence of counsel.

Pertinently, Section 2 of R.A. No. 7438 reads:

**Section 2. Rights of Persons Arrested, Detained or Under Custodial Investigation; Duties of Public Officers. –**

- (a) Any person arrested detained or under custodial investigation shall at all times be assisted by counsel.
- (b) Any public officer or employee, or anyone acting under his order or his place, who arrests, detains or investigates any person for the commission of an offense shall inform the latter, in a language known to and understood by him, of his rights to remain silent **and to have competent and independent counsel, preferably of his own choice**, who shall at all times be allowed to confer privately with the person arrested, detained or under custodial investigation. **If such person cannot afford the services of his own counsel, he must be provided with a competent and independent counsel by the investigating officer.**

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As used in this Act, "custodial investigation" shall include the practice of issuing an "invitation" to a person who is investigated in connection with an offense he is suspected to have committed, without prejudice to the liability of the "inviting" officer for any violation of law. (Emphases and underscoring ours.)

In detail, accused-appellant Peñaflor's first extrajudicial confession (Exhibits "H" to "H-3")<sup>16</sup> was taken before Assistant City Prosecutor Albulario, during which accused-appellant Peñaflor was assisted by Atty. Cristobal. On the other hand, his second extrajudicial confession (Exhibits "O" to "O-9" and "P" to "P-3")<sup>17</sup> was taken before City Prosecutor Lagcao,

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<sup>15</sup> Rollo, p. 18.

<sup>16</sup> Records, pp. 408-411.

<sup>17</sup> Id. at 416-429.

with Atty. Cavales assisting accused-appellant Peñaflor, and while in the presence of accused-appellant Peñaflor's father, mother, and other relatives. During the conduct of the second extrajudicial confession, all policemen were sent outside by the City Prosecutor.

The Court of Appeals rejected the defense's claim of inadmissibility of accused-appellant Peñaflor's extrajudicial confessions, which is anchored on the sole ground that they were not made with the assistance of a competent and independent counsel, preferably of his own choice. According to the Court of Appeals, the right to competent and independent counsel applies only to a person under custodial investigation. In the case at bar, as accused-appellant Peñaflor was not under custodial investigation, but under a preliminary investigation before a public prosecutor, during which his right to a competent and independent counsel does not apply.

The Court of Appeals further resolved that assuming *arguendo* that accused-appellant Peñaflor was under custodial investigation, there was still no violation of the said right because accused-appellant Peñaflor's unsubstantiated allegation that the assistance rendered by Atty. Cristobal was ceremonial and perfunctory cannot overcome the presumption that Atty. Cristobal was competent and properly discharged her duties.

With regard to accused-appellant Peñaflor's second extrajudicial confession, the Court of Appeals held that while Atty. Cavales' admitted that his participation in the execution of accused-appellant Peñaflor's confession was merely in conformity with the legal requirement and that he could not remember if he had a prior conversation with accused-appellant Peñaflor, these circumstances did not prove incompetency on the part of Atty. Cavales.

Finally, the Court of Appeals resolved that "[g]ranting that [accused-appellant Peñaflor] was under custodial investigation, there is still no violation of his rights when he executed his first confession. Hence, the exclusionary rule does not apply to the first confession."<sup>18</sup>

### **Our Ruling**

The appeal is not meritorious.

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<sup>18</sup> Rollo, p. 23.



### *Corpus Delicti*

*Corpus delicti* is the body, foundation or substance of a crime.<sup>19</sup> It refers to the fact of the commission of the crime, not to the physical body of the deceased. Because *corpus delicti* may be proven by circumstantial evidence, it is not necessary for the prosecution to present direct evidence to prove the *corpus delicti*.<sup>20</sup> Nevertheless, the prosecution must present the following elements: (a) that a certain result or fact has been established, *i.e.*, that a man has died; and (b) that some person is criminally responsible for it.<sup>21</sup> In murder cases, such as in the case at bar, the *corpus delicti*, the fact of murder of Betonio, was established through physical evidence, corroborated by several witnesses' testimonies.

The prosecution presented the Death Certificate<sup>22</sup> of Betonio and the Post-Mortem Examination Report<sup>23</sup> on the cadaver of Betonio, conducted by Dr. Villarín, who identified that the knife presented to him during his examination as witness, was the same knife he removed from Betonio's cadaver during the post-mortem examination — the same knife<sup>24</sup> which turned out to be owned by accused-appellant Peñaflor. These pieces of evidence were further corroborated by testimonial evidence from Vicenta<sup>25</sup> and Fajardo,<sup>26</sup> who all attested to the fact of murder of Betonio, committed by accused-appellant Peñaflor.

### *Extrajudicial Confession*

As correctly found by the lower courts, accused-appellant Peñaflor executed his extrajudicial confession not during custodial investigation, but during the preliminary investigation. In *Ladiana v. People*, the Court defined the difference between custodial investigation and preliminary investigation: **Custodial Interrogation/Investigation** “is the questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his freedom of action in any significant way”;<sup>27</sup> on the other hand, **Preliminary Investigation** “is an inquiry or a proceeding to determine whether there is sufficient ground to engender a well-founded belief that a crime has been committed, and that the respondent is probably guilty thereof and should be held for trial.”<sup>28</sup> In *Ladiana*, this Court has unequivocally

<sup>19</sup> *People v. Tuniano, et al.*, 624 Phil. 345, 351 (2010).

<sup>20</sup> *Rimorin, Sr. v. People*, 450 Phil. 465, 474-475 (2003).

<sup>21</sup> *Id.*

<sup>22</sup> Exhibit “I”; records, p. 19

<sup>23</sup> Sketch of Betonio's Cadaver, Exhibit “I-2”; *id.* at 412.

<sup>24</sup> Exhibit “E” (in the RTC for safekeeping) and Exhibit “F”; *id.* at 402.

<sup>25</sup> TSN, Vicenta Betonio, December 20, 1994.

<sup>26</sup> TSN, Basilio Fajardo, December 21, 1994 and October 18, 1995.

<sup>27</sup> 441 Phil. 733, 749 (2002).

<sup>28</sup> *Id.*

declared that a person undergoing preliminary investigation cannot be considered as being under custodial investigation.

The import of the distinction between custodial interrogation and preliminary investigation relates to the inherently coercive nature of a custodial interrogation which is conducted by the police authorities.<sup>29</sup> Due to the interrogatory procedures employed by police authorities, which are conducive to physical and psychological coercion, the law affords arrested persons constitutional rights to guarantee the voluntariness of their confessions and admissions, and to act as deterrent from coercion by police authorities.<sup>30</sup> These safeguards are found in Article III, Section 12(1) of the Constitution and Section 2 of R.A. No. 7438. *Sans* proper safeguards, custodial investigation is a fertile means to obtain confessions and admissions in duress.

Resultingly, as pronounced in *Ladiana*, the claim by the accused of inadmissibility of his extrajudicial confession is unavailing because his confessions were obtained during a preliminary investigation.

And even if accused-appellant Peñaflor's extrajudicial confessions were obtained under custodial investigation, these are admissible. To be admissible, a confession must comply with the following requirements: it "must be (a) voluntary; b) made with the assistance of a competent and independent counsel; c) express; and d) in writing."<sup>31</sup> In the case at bar, the prosecution did not present proof of the absence of any of these requirements.

*Assistance of competent and independent counsel preferably of his own choice*

The defense claimed that accused-appellant Peñaflor's two extrajudicial confessions were inadmissible because he was assisted by an incompetent and not an independent counsel. We do not agree.

To be a competent and independent counsel in a custodial investigation, "[the] lawyer so engaged should be present at all stages of the interview, counseling or advising caution reasonably at every turn of the investigation, and stopping the interrogation once in a while either to give advice to the accused that he may either continue, choose to remain silent or

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<sup>29</sup> *People v. Bravo*, 376 Phil. 931 (1999).

<sup>30</sup> *Id.*

<sup>31</sup> *People v. Tunicao, et al.*, *supra* note 19, at 352.

terminate the interview.”<sup>32</sup> It has been made clear that counsel should be present and able to advise and assist his client from the time the confessant answers the first question until the signing of the extrajudicial confession.<sup>33</sup> “Moreover, the lawyer should ascertain that the confession is made voluntarily and that the person under investigation fully understands the nature and the consequence of his extrajudicial confession in relation to his constitutional rights. A contrary rule would undoubtedly be antagonistic to the constitutional rights to remain silent, to counsel and to be presumed innocent.”<sup>34</sup>

In the case at bar, there was no evidence, not even an allegation, that the counsel who assisted accused-appellant Peñaflor when his extrajudicial confessions were obtained were absent at any stage of the duration of the proceedings. Based on his admission, Atty. Cavales was the last person to arrive for the conduct of preliminary investigation. However, the preliminary investigation commenced only after he arrived. Only then were questions propounded to accused-appellant Peñaflor.<sup>35</sup>

With regard to the submission that accused-appellant Peñaflor’s appointed counsel is not of accused-appellant Peñaflor’s own choice as warranted by Article III, Section 12 of the Constitution, our discussion in *People v. Tomaquin*<sup>36</sup> on the meaning of “preferably” is relevant:

Ideally, the lawyer called to be present during such investigations should be as far as reasonably possible, the choice of the individual undergoing questioning, **but the word "preferably" does not convey the message that the choice of a lawyer by a person under investigation is exclusive as to preclude other equally competent and independent attorneys from handling his defense. What is imperative is that the counsel should be competent and independent.**<sup>37</sup> (Emphasis and underscoring ours, citation omitted.)

As borne by the records, the appointments of Atty. Cavales and Atty. Cristobal as counsel *de officio* were with the conformity of accused-appellant Peñaflor. They succeeded Atty. Padilla upon his discharge as counsel for accused-appellant Peñaflor. The prosecutors allowed accused-appellant Peñaflor to engage the services of the new counsel.<sup>38</sup>

<sup>32</sup> *People v. Tomaquin*, 478 Phil. 885, 901 (2004), citing *People v. Velarde*, 384 SCRA 646 (2002).

<sup>33</sup> *People v. Bagnate*, G.R. No. 133685-86, May 20, 2004, 428 SCRA 633.

<sup>34</sup> *People v. Tomaquin*, supra note 32, at 901.

<sup>35</sup> TSN, Atty. Floro Cavales, March 6, 1995, p. 67; TSN, Roseta Abapo, March 13, 1995, p. 22.

<sup>36</sup> Supra note 32.

<sup>37</sup> Id. at 905.

<sup>38</sup> *People v. Pamon*, G.R. No. 102005, January 25, 1993, 217 SCRA 501, 515-516, cited in the decision of the trial court, states –

An extrajudicial confession is binding only upon the confessant and is not admissible against his co-accused.

*Presumption of regularity*

There was also neither evidence nor allegation that accused-appellant Peñaflor was coerced to confess and that the nature and consequence of his extrajudicial confessions in relation to his constitutional rights were not thoroughly discussed to him. As correctly observed by the RTC, the preliminary investigations were conducted in a neutral place;<sup>39</sup> it was conducted at the Prosecutor's office and in the presence of accused-appellant Peñaflor's relatives, which facts were never refuted by the defense.

What needs to be noted here is that "a confession is admissible until the accused successfully proves that it was given as a result of violence, intimidation, threat or promise of reward or leniency."<sup>40</sup> The prosecution in this case failed to adduce evidence to prove the presence of any circumstance that would negate the admissibility of his confession. The presumption of regularity in the performance of duty prevails over mere allegations.

The presumption of regularity operates when the prosecution proffers that government officials tasked with responsibilities regarding the enforcement of our laws and procedures submit that the crime has been duly proven,<sup>41</sup> which, however, may be refuted by the defense. It is upon the defense to disprove such presumption by adducing no less than clear and convincing evidence, showing that the performance of functions was tainted with irregularity and that the official had motive to falsify,<sup>42</sup> such that, any taint of irregularity renders the presumption unavailable. In the case at bar, the defense failed to refute such presumption.

In the end, "[w]hat is sought to be protected by the Constitution is the compulsory disclosure of incriminating facts. The right is guaranteed merely

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<sup>39</sup> Records, p. 800.

<sup>40</sup> RTC Decision citing *People v. Dasig*, G.R. No. 100231, April 28, 1993, 221 SCRA 549, 556.

<sup>41</sup> *Bustillo v. People*, G.R. No. 160718, May 12, 2010, 620 SCRA 483.

<sup>42</sup> *Ibid.*

to preclude the slightest coercion as would lead the accused to admit something false not to provide him with the best defense.”<sup>43</sup>

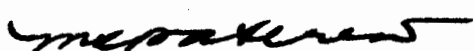
**WHEREFORE**, finding no error in the Decision of the Court of Appeals convicting the accused-appellant, Ramil Peñaflor y Laput, of having violated Article 248 of the Revised Penal Code for the murder of **EDUARDO BETONIO**, the judgment under appeal is hereby **AFFIRMED with MODIFICATIONS** as to the amount of award of damages. Accused-appellant Peñaflor is ordered to pay the heirs of Betonio the amount of Seventy-Five Thousand Pesos (₱75,000.00) as civil indemnity, Seventy-Five Thousand Pesos (₱75,000.00) as moral damages, Thirty Thousand Pesos (₱30,000.00) as exemplary damages, and Twenty-Five Thousand Pesos (₱25,000.00) as temperate damages in lieu of actual damages.

Interest at the rate of six percent (6%) *per annum* is likewise imposed on all the damages awarded in this case from the date of finality of this judgment until fully paid.

**SO ORDERED.**


  
JOSE PORTUGAL PEREZ  
Associate Justice

**WE CONCUR:**

  
MARIA LOURDES P. A. SERENO  
Chief Justice  
Chairperson

  
TERESITA J. LEONARDO-DE CASTRO  
Associate Justice

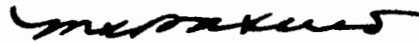
  
LUCAS P. BERSAMIN  
Associate Justice

  
ESTELA M. PERLAS-BERNABE  
Associate Justice

<sup>43</sup> RTC Decision, citing *People v. Layuso*, G.R. No. 69210, July 5, 1989, 175 SCRA 47; records, p. 799.

## CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



**MARIA LOURDES P. A. SERENO**  
Chief Justice