

H. Rights of Accused – Rule 115

1.) Rights of Accused at Trial

Rights of Accused

Section 1. *Rights of accused at the trial.* — In all criminal prosecutions, the accused shall be entitled to the following rights:

(a) To be presumed innocent until the contrary is proved beyond reasonable doubt.

(b) To be informed of the nature and cause of the accusation against him.

(c) To be present and defend in person and by counsel at every stage of the proceedings, from arraignment to promulgation of the judgment. The accused may, however, waive his presence at the trial pursuant to the stipulations set forth in his bail, unless his presence is specifically ordered by the court for purposes of identification. The absence of the accused without justifiable cause at the trial of which he had notice shall be considered a waiver of his right to be present thereat. When an accused under custody escapes, he shall be deemed to have waived his right to be present on all subsequent trial dates until custody over him is regained. Upon motion, the accused may be allowed to defend himself in person when it sufficiently appears to the court that he can properly protect his right without the assistance of counsel.

(d) To testify as a witness in his own behalf but subject to cross-examination on matters covered by direct examination. His silence shall not in any manner prejudice him.

(e) To be exempt from being compelled to be a witness against himself.

(f) To confront and cross-examine the witnesses against him at the trial. Either party may utilize as part of its evidence the testimony of a witness who is deceased, out of or can not with due diligence be found in the Philippines, unavailable or otherwise unable to testify, given in another case or proceeding, judicial or administrative, involving the same parties and subject matter, the adverse party having the opportunity to cross-examine him.

(g) To have compulsory process issued to secure the attendance of witnesses and production of other evidence in his behalf.

(h) To have speedy, impartial and public trial.

(i) To appeal in all cases allowed and in the manner prescribed by law. (1a)

2.) Rights of a person under Custodial Investigation

1. Right to Be Informed of Rights

Before any custodial interrogation, the person must be clearly informed of their rights in a language they understand. This includes the right to remain silent and the right to competent and independent counsel. Effective communication is required to ensure the person fully comprehends these rights, not merely being told about them superficially

2. Right to Remain Silent

The individual may refuse to answer any questions posed by law enforcement. Silence cannot be used as evidence of guilt. Any statements made voluntarily after being informed of this right are valid only if proper safeguards are observed

3. Right to Competent and Independent Counsel

The person has the right to a lawyer of their choice. If they cannot afford one, a competent and independent counsel must be provided, typically from the Public Attorney's Office. The counsel must be active, vigilant, and independent, not merely present as a passive observer. The person must be allowed to confer privately with their lawyer at all times during the investigation

4. Right Against Self-Incrimination

No person can be compelled to make a confession or admission. Any statement obtained through coercion, threat, intimidation, or torture is inadmissible in judicial, quasi-judicial, or administrative proceedings

5. Prohibition of Coercion and Inhumane Treatment

Secret detention, solitary confinement, incommunicado detention, or any form of torture, force, or intimidation is strictly prohibited. These protections align with international human rights standards, including the Convention Against Torture

6. Right to Communication and Support

The detainee may communicate with family, friends, legal counsel, or accredited non-governmental organizations. Visits by medical doctors, priests, or religious ministers are also allowed to ensure the person's welfare and prevent arbitrary detention

7. Waiver of Rights

Any waiver of these rights must be voluntary, knowing, and intelligent, executed in writing, and in the presence of counsel. A waiver not meeting these conditions is null and void, and any resulting confession is inadmissible.

Below is a **Rule 115-focused case digest**. I also indicate where a case is **directly** connected to Rule 115 and where it is only **related by constitutional rights/evidence**, because not all of the listed cases are actually Rule 115 cases.

1. People v. Sy

Date: 2008 — 590 SCRA 511

FACTS:

The People of the Philippines prosecuted the accused-appellant, Sy, for **frustrated murder** arising from a shooting incident in which Jose Sy and another victim were injured. During the proceedings, Sy initially made a confession/admission concerning the incident but later disowned it, claiming that he had signed the confession without properly reading or understanding it and attempting to attribute responsibility to another person. The trial court did not give credence to his explanation and convicted him. The case was elevated to the Supreme Court, where Sy questioned his conviction and the appreciation of the evidence against him. The Supreme Court ultimately sustained the finding of guilt. The case is also cited in discussions of the **presumption of innocence** and the requirement that the prosecution establish the accused's guilt beyond reasonable doubt.

ISSUE:

WHETHER the conviction of Sy was consistent with the accused's rights under **Rule 115**, particularly the right to be presumed innocent until the contrary is proved beyond reasonable doubt.

RULING:

YES. The Court sustained the conviction because the prosecution's evidence was sufficient to establish Sy's guilt beyond reasonable doubt. Under **Rule 115, Section 1(a)**, an accused is presumed innocent until the contrary is proved beyond reasonable doubt. The presumption does not mean that the accused can never be convicted; rather, it requires the prosecution to overcome that presumption through competent and sufficient evidence.

Why included in Rule 115:

It is included under **Section 1(a) — Presumption of innocence**. The case illustrates that the **burden of proving guilt remains with the prosecution**, and the accused cannot be convicted merely because he failed to establish his innocence.

2. People v. Erquiza

Date: 2008 — 571 SCRA 634

FACTS:

The People of the Philippines prosecuted Erquiza for a criminal offense, and the case eventually reached the Supreme Court after the accused challenged the finding of guilt. The evidence presented by the prosecution and the defense was examined in determining whether the prosecution had successfully established the accused's guilt beyond reasonable doubt. The Supreme Court emphasized that in a criminal case, the accused enjoys the constitutional **presumption of innocence**, and when the evidence is evenly balanced, the accused must be acquitted. This is known as the **equipoise rule**.

ISSUE:

WHETHER the accused may be convicted when the evidence against him is merely balanced or does not overcome the presumption of innocence guaranteed under **Rule 115, Section 1(a)**.

RULING:

NO. An accused cannot be convicted when the evidence of the prosecution and the defense is in **equipoise**, or substantially equal in weight. When the evidence is evenly balanced, the constitutional presumption of innocence operates in favor of the accused. The prosecution must establish guilt beyond reasonable doubt; otherwise, acquittal must follow.

Why included in Rule 115:

This case falls under **Section 1(a) — Right to be presumed innocent until the contrary is proved beyond reasonable doubt**. It is particularly useful for remembering the **equipoise rule**: *when the scales are evenly balanced, the scales must tilt in favor of the accused*.

3. People v. De los Santos

G.R. No.: 207818

Date: July 23, 2014

FACTS:

The People of the Philippines charged Alex De los Santos with **murder** for killing Fernando Catriz in Tuao, Cagayan. The prosecution presented an eyewitness who testified that De los Santos suddenly hacked Catriz from behind and subsequently stabbed him repeatedly. The defense, however, claimed **self-defense**, alleging that Catriz had first attacked him with a bolo. The RTC rejected the claim of self-defense and convicted De los Santos of murder, which the Court of Appeals affirmed. De los Santos appealed to the Supreme Court, arguing that the lower courts erred in rejecting his defense. The Supreme Court affirmed the conviction, holding that he failed to prove unlawful aggression and that the killing was attended by treachery.

ISSUE:

WHETHER De los Santos' conviction violated his right under **Rule 115, Section 1(a)** to be presumed innocent until his guilt was proved beyond reasonable doubt, considering that he invoked self-defense.

RULING:

NO. The Court held that the prosecution sufficiently proved the elements of murder beyond reasonable doubt. Once De los Santos **admitted the killing but invoked self-defense**, the burden of evidence shifted to him to establish the justifying circumstance by clear, satisfactory and convincing evidence. He failed to prove the primordial requirement of **unlawful aggression**. The physical evidence and the number and location of the wounds were inconsistent with his claim of self-defense.

Why included in Rule 115:

It is connected to **Section 1(a) — Presumption of innocence**, particularly the **burden of proof beyond reasonable doubt**. It also demonstrates an important distinction: the **burden of proof remains with the prosecution**, but the **burden of evidence** may shift to the accused when he invokes an affirmative defense such as self-defense.

4. People v. Tolentino

Date: 2003 — 423 SCRA 448

FACTS:

The accused, Tolentino, was prosecuted for **rape** involving a minor victim. The prosecution relied substantially on the victim's identification of Tolentino and on circumstantial and medical evidence. During the investigation, the police conducted a **line-up** in which the victim identified Tolentino as the perpetrator. Tolentino argued that his constitutional right to counsel had been violated because he was not assisted by counsel during the police line-up. The Supreme Court rejected the argument and held that a police line-up, under the circumstances of the case, was **not part of custodial investigation**, and therefore the right to counsel had not yet attached. The conviction was sustained.

ISSUE:

WHETHER Tolentino's right to **defend himself by counsel under Rule 115, Section 1(c)** was violated when he was subjected to a police line-up without the assistance of counsel.

RULING:

NO. The Court held that the police line-up was not considered part of custodial investigation. Consequently, the constitutional right to counsel had not yet attached at that stage. The identification made during the line-up was therefore not rendered inadmissible merely because counsel was absent.

Why included in Rule 115:

This case is included under **Section 1(c) — Right to be heard by himself and counsel and to defend himself in person and by counsel**. It is important for the rule that **the right to counsel during custodial investigation does not automatically extend to every police procedure**, particularly a police line-up where the accused is merely being identified.

Bar Exam Key: *Police line-up ≠ automatically custodial interrogation.* The right to counsel during custodial investigation attaches when the investigation has focused on the person as a suspect and questioning is being conducted to elicit incriminating statements.

5. People v. Andan

G.R. No.: 116437

Date: March 3, 1997 — 269 SCRA 95

FACTS:

The People of the Philippines prosecuted Pablito Andan for the killing of Marianne Guevarra. During the investigation, Andan made statements concerning the crime. The defense challenged the admissibility of these statements on the ground that they were obtained during custodial investigation without the full protection of his constitutional rights, particularly the right to counsel. The Supreme Court distinguished between a **formal custodial interrogation** and spontaneous statements voluntarily made by an accused. It held that statements which are freely and spontaneously made, without prompting or interrogation by the police, may be admissible even without the presence of counsel. The Court therefore upheld the admissibility of the relevant spontaneous statements.

ISSUE:

WHETHER the admission or confession made by Andan was inadmissible for violating his right to counsel and other rights protected under **Rule 115, Section 1(c)**.

RULING:

NO. The Court held that statements that are **spontaneously and voluntarily made**, rather than elicited through custodial interrogation, are not necessarily covered by the constitutional restrictions governing custodial investigation. Therefore, the absence of counsel does not automatically make every statement made by an accused inadmissible.

Why included in Rule 115:

The case is connected to **Section 1(c) — right to counsel**, and also to **Section 1(e) — right against being compelled to be a witness against oneself**. It teaches the distinction between:

- **Compelled/confession obtained through custodial interrogation** → constitutional safeguards apply.
- **Voluntary and spontaneous statement** → may be admissible.

Key doctrine: The critical question is whether the statement was **elicited through custodial interrogation** or was **freely and spontaneously volunteered** by the accused.

6. People v. Judge Ayson

G.R. No.: 85215

Date: July 7, 1989

FACTS:

The case involved an administrative investigation concerning a PAL employee who was accused of irregularities involving airline ticket sales. During the investigation, the employee was asked questions and voluntarily made statements concerning his alleged wrongdoing. The issue eventually reached the Supreme Court concerning the application of the **right against self-incrimination**. The Court explained that the constitutional privilege against self-incrimination is primarily a protection against **compelled testimonial evidence**. An accused who voluntarily takes the witness stand may be subjected to cross-examination on matters covered by his direct testimony, although he may invoke the privilege with respect to questions that would incriminate him for a separate offense.

ISSUE:

WHETHER an accused who voluntarily testifies in his own behalf may refuse to answer questions during cross-examination by invoking the right against self-incrimination under **Rule 115, Sections 1(d) and 1(e)**.

RULING:

NO, generally. Once an accused voluntarily chooses to testify in his own behalf, he may be cross-examined on matters covered by his direct examination. He cannot refuse to answer merely because the answer may incriminate him concerning the **same offense for which he is being prosecuted**. However, the privilege may still be invoked if the question would tend to incriminate him for a **different and distinct offense**.

Why included in Rule 115:

This case is directly connected to:

- **Section 1(d)** — right to testify as a witness in one's own behalf, subject to cross-examination; and
- **Section 1(e)** — right to be exempt from being compelled to be a witness against oneself.

Bar Exam Key:

The privilege against self-incrimination is **not a blanket right to refuse all questions**. If the accused voluntarily testifies, he opens himself to cross-examination regarding matters covered by his direct testimony.

7. Herrera v. Alba

G.R. No.: 148220

Date: June 15, 2005 — 460 SCRA 197

FACTS:

Herrera was involved in a case concerning the determination of **paternity/filiation**. The issue arose regarding the use of **DNA testing** to establish whether a person was the biological father of a child. The petitioner questioned the propriety of requiring or allowing DNA evidence, including arguments concerning the right against self-incrimination. The Supreme Court discussed the nature and reliability of DNA testing and held that DNA evidence may be used as a scientific means of

determining paternity. The Court also explained that the constitutional right against self-incrimination protects a person from being compelled to give **testimonial or communicative evidence**, but does not necessarily prohibit the obtaining of physical evidence such as biological samples.

ISSUE:

WHETHER requiring or allowing DNA testing to establish paternity violates the accused/party's right against self-incrimination under **Rule 115, Section 1(e)**.

RULING:

NO. DNA testing does not, by itself, violate the privilege against self-incrimination because the privilege generally protects against **compelled testimonial or communicative evidence**, rather than the obtaining of physical evidence. DNA is a physical characteristic/material that can be scientifically examined to determine identity or filiation. The Court recognized DNA analysis as a useful scientific tool in determining parentage.

Why included in Rule 115:

This case is connected to **Section 1(e) — right to be exempt from being compelled to be a witness against oneself**.

Important distinction:

Testimonial evidence → protected by the privilege against self-incrimination.

Physical/real evidence, such as fingerprints, photographs, and potentially DNA samples → generally not considered testimonial compulsion.