

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. EDUARDO DE OCAMPO GONZAGA, DEFENDANT-APPELLANT.*G.R. No. L-48373. January 30, 1984*

Ponente: TEEHANKEE, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/1696229a1d9d/>**TEEHANKEE, J.:**

The death sentence under automatic review is hereby set aside on the ground of improvident guilty plea and the case is ordered remanded to the court a quo for arraignment and further proceeding in accordance with law and controlling jurisprudence, in order that the accused may be arraigned anew in accordance with the constitutional requirements of fairness and due process to determine the precise degree of his culpability in order to make certain that the proper penalty is imposed.

In an information dated November 3, 1977, accused Gonzaga was indicted for the crime of murder for fatally stabbing with a jungle bolo one Amparo M. Quilatan, allegedly attended by the aggravating circumstances of "evident premeditation, treachery and taking advantage of superior strength, deliberately making use of drunkenness or after having taken liquor, armed with an illegally-posessed 27 inches jungle bolo (accused has been separately charged for this offense), without due regard to the profession of a public school teacher." Five days later, or on November 8, 1977, accused Gonzaga appeared for arraignment without counsel. The trial court thereupon issued an order appointing Atty. Cri-santo Saruca as counsel de oficio "for the purpose of arraignment only." Immediately thereafter, Atty. Saruca manifested that the accused was ready for arraignment and the accused pleaded guilty to the offense charged.

The trial court then ordered the presentation of evidence but the prosecution was not ready for trial. The prosecution witnesses had not been notified because the prosecution did not expect that the accused would plead guilty and that trial would continue thereafter. The case was then set for hearing the next day, November 9, 1977, and for purposes of trial, Attys. Leonardo Rodriguez and Felimon Koh were appointed as counsels de oficio.

The records of the case, particularly the transcripts of stenographic notes of the proceedings taken during the hearing, amply show the inordinate haste with which accused was charged, arraigned and convicted. The information was filed on November 3, 1977. On November 8, 1977, accused was immediately arraigned and pleaded guilty to the offense charged with the assistance of a counsel de oficio who had just been appointed then and there. The case was set for trial the next day, November 9, 1977, notwithstanding counsel de oficio's request that he be given two days to prepare for trial.[1] The hearing was continued the following day, November 10, 1977, and again on November 16, 1977. On the hearing of November 16, 1977, after the prosecution had rested its case, the trial court read the sentence of conviction, as follows:

"Ang nasawing si Amparo Quilatan ay isang pampamahalaang guro ng Mababang Paaralan ng Taguig na pataksil na pinatay ng nasasakdal na si Eduardo de Ocampo Gonzaga, na ginamitan pa ng nakakahigit na lakas, sa dahilang siya ay isang lalaki at ang nasawi ay isang mahinang babae. Ang nasawi ay hindi man lamang nagkaroon ng pagkakataon upang maipagtanggol an kanyang sarili. Ang isang katangiang ikinabigat ng pangyayaring ito ay ang balak na pagpatay ng nasasakdal laban sa isang mahinang guro tulad ni Amparo

Quilatan. Ayon sa Artikulo Blg. 64 ng Binagong Kodigo Penal, anuman ang bilang at katayuan ng mga nakakabigat na pangyayari, ang Hukuman ang magpapataw ng pinakamabigat na parusang naayon sa batas, at isina-alang-alang din ang Artikulo Blg. 15 ng nasabing Kodigo Penal, na nagsasaad na, ang mga mapagpipiliang mga pangyayari ay ang mga nakakabigat o nakagagaang pangyayari ayon sa katayuan o kinalabasan ng krimen at iba pang nauukol sa pagkaganap ng nasabing krimen, tulad ng kalasingan.

"Isina-alang-alang ng Hukumang ito ang kusang loob na pagamin ng nasasakdal alinsunod sa Artikulo 7, Talata 13 ng Binagong Kodigo Penal, subalit matapos niyang aminin ang sakdal laban sa kanya, at bilang pagtupad sa simulain ng Kataas-taasang Hukuman ng Pilipinas, na kahit na umamin na ang isang nasasakdal, kailangan din maghain ng mga katibayan ukol sa sakdal o sa usapin, at iyan ang ipinag-utos ng Hukuman sa Pampurok na Taga-Usig upang rnapatunayan ang mga nakabibigat na katibayan laban sa kanya.

"SA GAYONG KADAHILANAN, at dahil sa kusang-loob na pag-amin sa pagkakasala, ng nasasakdal na si Eduardo de Ocampo Gonzaga, napatunayan ng Hukumang ito ng walang pag-aalinlangan, na siya ay lumabag sa Artikulo 248 ng Binagong Kodigo Penal, at sa nasasaad sa impormasyon, at siya ay hinahatulan ng parusang KAMATAYAN, at babayaran din niya ang mga naulila ng nasawi ng halagang P12,000.00; ba-bayaran din niya ng halagang P10,000.00 bilang bayad pinsala; panibagong P10,000.00 bilang bayad pinsalang di pama-risan; at babayaran din niya ang lahat na nagugol ng pamahalaan sa usaping ito."

The constitutional rights of the accused are for the protection of the guilty and of innocent alike. Only the assurance that even the guilty shall be given the benefit of every constitutional guaranty can the innocent be secure in the same rights.[2] Thus, this Court has always stressed its constant concern in due observance of the fundamental requirements of fairness and due process that the most meticulous care be exercised by the trial court before acceptance of an accused's plea of guilty in a capital case.[3] Sec. 1, Rule 116 of the Rules of Court prescribes that "the arraignment must be made by the judge or clerk and shall consist in reading the complaint or information to the defendant and deliver-ing to him a copy thereof, including a list of witnesses and asking him whether he pleads guilty or not guilty as charged." In the instant case, records confirm the fact that the accused was not adequately informed of the nature of the crime imputed against him and the consequences of his plea. Nor does it appear that the averments in the information, including the qualifying and aggravating circumstances were explained to him. No dialogue whatsoever transpired between accused and the trial judge. The transcript of the stenographic notes taken during the arraignment on Novem-ber 8, 1977 shows:

"Atty. Saruca:

Your Honor, the accused is now ready for arraignment.

Court:

Arraign the accused.

(Accused when arraigned, pleaded guilty to the offense charged.)

Court:

ORDER

When the accused was arraigned this morning, in pursuance to Section 1, Rule 116, in relation to Rule 118 of the new Rules of Court, assist-ed by counsel de oficio, Atty. Crisanto Saruca, he pleaded guilty.

Wherefore, let a mandatory presentation of evidence be made.

SO ORDERED. "

In a long line of cases, this Court has repeatedly enjoined trial judges to refrain from accepting with alacrity an

accused's plea of guilty, for while justice demands a speedy administration, judges are duty bound to be extra solicitous in seeing to it that when an accused pleads guilty he understands fully the meaning of his plea and the import of an inevitable conviction.[4] The essence of a plea of guilty in a criminal trial is that the accused on arraignment admits his guilt freely, voluntarily and with full knowledge of the consequences and meaning of his act.[5] If the accused does not clearly and fully understand the nature of the offense charged, if he is not advised as to the meaning and effect of the technical language so often used in formal complaints and informations in qualifying the acts constituting the offense, or if he does not clearly understand the consequences by way of a heavy and even a capital penalty flowing from his admission of his guilt of the crime in the precise technical manner and form in which it is charged, his plea of guilty should not be accepted and if accepted it should not be held to be sufficient to sustain a conviction.[6]

In capital offenses, the trial judge should give ample opportunity to the counsel de oficio to examine not only the records of the case but also to acquire every relevant information on the matter, such as confer-ring with the accused adequately so that he may properly, intelligently and effectively represent his interests.[7] This is but to accord substance to one of the great principles of justice, guaranteed by the Constitution, which is the right of an accused to be heard by himself and counsel as a requirement of due process. The enjoyment of such a right would certainly be viscerated if the counsel of the accused is precluded from knowing fully the facts of his client's case.[8]

Under Section 5, Rule 116 of the Rules of Court, whenever an attorney de oficio is employed or assigned by the court to defend an accused either at the arraignment or at the trial, he should be given a reasonable time to consult with the accused and prepare his defense before proceeding further in the case which should not be less than two (2) hours in case of arraignment and two (2) days in case of trial. These requirements were not complied with. After accused's arraignment on November 8, 1977, the court immediately set the case for trial the next day, November 9, 1977, disregarding counsel de oficio's manifestation that he be allowed the required two-day period within which to prepare for trial. The transcript of the stenographic notes taken during the arraignment shows:

"Court:

Atty. Rodriguez, are you waiving the two days period as provided for under Rule 116 of the New Rules of Court?

Atty. Rodriguez:

Your Honor please, may we request that this case be called later?

Court:

But he already pleaded guilty.

Atty. Rodriguez:

In that case, your Honor, may we . . . (interrupted)

Court:

Mandatory presentation of evidence, he already pleaded guilty.

Atty. Rodriguez:

May we be given two days period, Your Honor?

Court:

All right, tomorrow."

In the recent case of *People vs. Magsi*[9], the trial court set six hearing dates and in two earlier instances the herein accused entered a qualified plea of guilty (stating that he acted out of fear and duress exerted upon him by his co-accused), so much so that at the fifth hearing the trial court *motu proprio* changed the accused's plea of guilty to not guilty. But at the sixth hearing date, after counsel *de officio* manifested the accused's wish to be rearraigned and would not offer any qualifying circumstances regarding his guilty plea, the trial court admitted the guilty plea and forthwith rendered its death sentence. This Court set aside the conviction and remanded the case for rearraignment and further proceedings holding that "(R)ecorded proceedings at the first instance on September 9, 1970 reproduced previously, showed that *de officio* counsel Atty. Rivera and accused were hardly afforded by the Court any opportunity to discuss the case together, and the qualified plea of guilty resulted from the Court's proddings rather than from accused's spontaneous volition," and that "(W)e have consistently enjoined strict and substantial adherence to our rulings in cases where defendants are charged with capital offenses. Mere pro-forma appointment of *de officio* counsel, who fails to genuinely protect the interests of the accused, resetting of hearing by the court for alleged reception of evidence when in fact none was conducted, perfunctory queries addressed to the accused whether he understands the charges and the gravity of the penalty, are not sufficient compliance with our injunctions." The Court restated once more its injunction on the trial court's duties to the accused in *People vs. Domingo*[10], thus:

"We enunciated times without number in our injunctions addressed to the trial courts that they should exercise solicitous care before sentencing the accused on a plea of guilty especially in capital offenses by first insuring that the accused fully understands the gravity of the offense, the severity of the consequences attached thereto as well as the meaning and significance of his plea of guilty; and that the prudent and proper thing to do in capital cases is to take testimony, to assure the court that the accused has not misunderstood the nature and effect of his plea of guilty (*People vs. Villafuerte*, supra; *People vs. Alamada*, L-34594-5, July 13, 1973; *People vs. Busa*, L-32047, June 25, 1973; *People vs. Silvestre*, L-27821, June 22, 1973; *People vs. Simeon*, L-33730, Sept. 28, 1972; *People vs. Espiña*, L-33028, June 20, 1972; *People vs. Bulalake*, 106 Phil. 760; *U.S. vs. Jamad*, 37 Phil. 305)."

Finally, the fact that immediately after the prosecution had rested its case in the last hearing held on November 16, 1977, the trial court read a "ready made" decision of conviction shows that the accused was meted the death penalty without due process of law. With the perfunctory arraignment of the accused and the undue haste with which the hearing was held, the Court sees that accused's fate was predetermined from the start. Even before the termination of the hearing, the sentence of death had already been prepared. At the last page of the transcript of stenographic notes taken by stenographer Luisa S. Golla, a note appears which states: "NOTE: Sentence already attached to the original records of the case."

ACCORDINGLY, the decision of the trial court is hereby set aside and the records of the case are remanded to it for rearraignment of the accused and further proceedings in accordance with law. SO ORDERED.

Fernando, C.J., Makasiar, Concepcion, Jr., Guerrero, Abad Santos, De Castro, Melencio-Herrera, Plana, Escolin, Relova, and Gutierrez, Jr., JJ., concur.
Aquino, J., no part.

[1] Rule 116, section 5.

[2] Tañada & Carreon, *Political Law of the Philippines*, Vol. 2, p. 258.

[3] *U.S. vs. Rota*, 9 Phil. 426; *People vs. Apduhan*, 24 SCRA 798.

[4] People vs. Apduhan, supra; People vs. del Rosario, 68 SCRA 242.

[5] U.S. vs. Dineros, 18 Phil. 566; U.S. vs. Jamad, 37 Phil. 305.

[6] U.S. vs. Jamad, supra.

[7] People vs. Martinez, 50 SCRA 509; People vs. Domingo, 55 SCRA 237.

[8] People vs. Martinez, supra.

[9] G.R. No. L-32888, August 12, 1983, per Makasiar, J.

[10] 55 SCRA 243-244.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.