

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. GERMAN SERAFICA, NO. 49977-P, DEFENDANT AND APPELLANT.

G.R. Nos. L-29092-93. August 28, 1969

Ponente: DIZON, J.

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DIZON, J.:

In Criminal Case No. 3916 of the Court of First Instance of Palawan, German Serafica was charged with murder as follows:

“I N F O R M A T I O N

"The undersigned accuses German Serafica #49977-P of the crime of Murder, committed as follows:

"That on or about the 2nd day of March, 1968, in the Central Sub-colony, Iwahig Penal Colony, province of Palawan, Philippines, and within the jurisdiction of this Honorable Court, the said Focused being then prisoner convicted by final judgment and while serving his sentence at the said institution, did then and there willfully, unlawfully and feloniously, with treachery and evident premeditation and armed with a deadly weapon, to wit: a knife, assault, attack and wound therewith colonist Rolando Galena, Pris. No. 56002-P in the different parts of his body, inflicting upon him mortal wounds on the left chest right chest and penetrating the lungs and liver, and as a result thereof, said Rolando Galeno died instantly.

"Contrary to law and with the qualifying circumstance of alevosia and the generic aggravating circumstances of known premeditation and recidivism, accused having been previously convicted for parricide by final judgment and penalized under Article 248 of the Revised Penal Code.

"Puerto Princesa, Palawan, Philippines, March 28, 1968.

ZOILO Q. ALVIAR

Provincial Fiscal"

Criminal Case No. 3916 mentioned above was one of three cases filed in said court against the same defendant. The others were Criminal Case No. 3917, also for murder, and Criminal Case No. 3918, for frustrated murder. The three arose out of the same incident that took place on March 2, 1968 at the Iwahig Penal Colony.

Upon arraignment on May 6, 1968, the defendant, with the assistance of Atty. Francisco Ponce de Leon as counsel de oficio, pleaded guilty under the circumstances to be mentioned later, and thereafter the court sentenced him to death by electric chair, to indemnify the heirs of the offended party in the sum of P3,000.00 and to pay the costs. The case was elevated to this Court in due time for a compulsory review in accordance with law.

On May 6, 1968 the defendant pleaded guilty not only in Criminal Case No. 3916 but also in the other two cases. However, immediately after entering such plea in Criminal Cases Nos. 3916 and 3917, his counsel de oficio made the following statement:

"ATTY PONCE DE LEON:

If Your Honor please, the accused is amending further the plea of guilty. He denies also the aggravating circumstance of treachery because according to him they had a fight with the victim and all of a sudden everything becomes black to him. He could no longer think well. Your Honor, I think this fellow here has a brain disease which may have brought about these crimes. He admitted the act of killing. I have advised him the consequences of his plea. I told him I could still fight this case in the Supreme Court."

After the foregoing statement made by counsel de oficio the court in Criminal Case No. 3918, for frustrated murder, called for the arraignment of the defendant. After the reading of the information, the latter entered a similar plea, but counsel de oficio again made the following statement on behalf of his client -

" ATTY PONCE DE LEON:

"He admitted the act of stabbing but denies the presence of those aggravating circumstances. As a matter of fact, he wants to invoke the provisions of article 180 of the Revised Penal Code. If Your Honor please, if we trace the history of these crimes it will date back to that unfortunate incident when he killed his wife. According to the accused he has been laboring under the belief that his mind is not functioning normally since that time and up to the time when he has killed as prisoner inside the colony. He was not aware of his acts. He did not know what he was doing. So that, Your Honor, I believe that in fairness to the accused, imploring the mercy and kindness of this Honorable Court, he should be examined by a specialist or a competent physician in Muntinlupa or anywhere for better facilities to determine the state of mind of the herein accused. That is our stand, Your Honor, for the defense."

After the above statement the following appears in the transcript:

"COURT:

It seems that he has been examined before.

"FISCAL MAYO:

There is a document showing the actual psychiatric examination conducted by a personnel of the Bureau of Prisons in Muntinlupa. And if, Your Honor please, for purposes of record, I may read the report: "FAMILY HISTORY: Both parents are still living. Youngest among six surviving siblings, he denies insanity and criminality among other members of the family. MENTAL STATUS: Subject appeared physically well. He was cooperative and spoke only in response to questions asked. He was sane in his mind. There was no oddities of behavior observed. His memory and orientation demonstrated no impairment. There were no delusions, hallucinations or illusions elicited. Grasp of general information was good. His judgment and insight were not impaired. REMARKS: Mentally clear. RECOMMENDATIONS: Mentally fit for work.' There is here a psychological report that the I. Q. of the accused is 88 Dull-Normal.

"ATTY. PONCE DE LEON:

May we know, Your Honor, when was that examination conducted?

"FISCAL MAYO:

December 28, 1964.

"ATTY PONCE DE LEON :

Before the killing?

"FISCAL MAYO:

When he was already sentenced and brought to prison.

"ATTY PONCE DE LEON:

Well, Your Honor, that was long before the commission of the grave crimes. Perhaps he was examined during the intervals when he was not feeling wrong. Because that kind of sickness is not continuous. The moment he could not think well, could not see well everything becomes dark to him he said. Mr. Fiscal, can we not temper the law with mercy by sending this accused to afford him the possibilities in Ma-nila for examination in order to deter-mine definitely the condition of his men-tality?

"COURT:

It seems Mr. Counsel that this accused was last time brought to the hospital for examination because of these charges.

"ATTY PONCE DE LEON:

That was in Iwahig, Your Honor."

At pages 10-11 of the transcript the following material statements appear:

"ATTY PONCE DE LEON:

May it please the court. Your Honor, we don't question the harseness of the law as a matter of fact in ex-ceptional cases like this, we agree that the prisoners while serving their sen-tence shall be dealt with. Here is a situation where our contention is that when he committed the crimes his mind was not functioning normally. So that we believe that those strict provisions of the law notwithstanding should be set aside; that the accused should be afforded the opportunity to be examined so that we will know whether in the com-mission of those acts he really acted in full consciousness. So, Your Honor, we reiterate that in fairness to the accused since that findings of the expert was done about four years ago these crimes were not yet committed. We reiterate our plea for mercy that he be given some more consider-ations to determine really the state of his mentality whether he was really sincere or not when these acts were committed.

"COURT:

But the position of the court in our system of government is just against illegal administration of justice and that there is more ahead in the hands of the other branch of the government which is the executive. The President may exercise discretion relative to the disposition of prisoners like this.

"COURT:

11 right, sentence for Criminal Case No. 3917."

Thereafter the lower court proceeded to pronounce its judgment in Criminal Cases Nos. 3916 and 3917 which re now on appeal in this court as G. R. L-29092 and G. R. L-29093, respectively.

In G. R. L-29092 (Criminal Case No. 39 16 below) defendant's attorney de oficio in this court, Atty. Cris-pin D. Baizas, submits the following propositions: (1) that it was error for the lower court to deny the motion to have the defendant subjected to examination by specialist to determine his mental condition, and (2) that said court likewise erred in rendering judgment in spite of the fact that the plea of guilty entered by the defendant was a qualified plea.

In G. R. L-29093 (Criminal Case No. 3917 below) however, defendant's counsel de oficio, Atty. J. R. Balonkita, submitted of brief expressing the view the the lower court committed no reversible error, and recommends that the decision rendered in the case be affirmed.

The brief submitted by the office of the Solicitor General in both causes (G. R. No. L-29092 and G. R. No.

L-29093) accepts attorney Baizas' contention that the trial court erred in adjudging the defendant guilty and sentencing him accordingly, in spite of the fact that the plea of guilty entered by him was not unconditional but a qualified plea, as shown by the fact that before being sentenced, he amended it by denying the aggravating circumstance of treachery and by claiming that he had a fight with the deceased in the course of which everything became black, and he could no longer think.

The Office of the Solicitor General also agrees with the counsel de oficio's contention that, in view of the nature of the plea entered and the gravity of the offense charged, the defendant, before being tried, should have been medically examined to ascertain whether he was in possession of his mental faculties when he committed the acts attributed to him. As a consequence, the office of the Solicitor General recommends that the joint decision of the trial court be vacated and that both cases be re-manded below for further proceedings.

A plea of guilty, in order to justify the imposition of the penalty corresponding to the offense charged, must be an unconditional admission of guilt with respect thereto; it must be of such nature as to foreclose defendant's right to defend himself from said charge, thus leaving to the court no alternative but to impose the penalty fixed by law (People vs. Ng Pek 81 Phil. 563). The plea of guilty entered by the defendant in the two cases mentioned above is not of this nature.

Moreover, the record discloses some circumstances pointing to the possibility that the defendant was not in full possession of his mental faculties when he attacked the deceased Rolando Galeno apparently without rhyme nor reason at all. It is, therefore, our view that in the interest of the administration of justice, instead of pronouncing judgment after the entry of the plea mentioned heretofore, the lower court should have ordered that the defendant be subjected to the necessary mental examination to determine his degree of sanity at the time he committed the acts charged.

WHEREFORE, as prayed for by defendant's counsel de oficio in G. R. L-29092 and the office of the Solicitor General - in both cases - the joint decision rendered in the two cases above mentioned is hereby vacated and both cases are remanded to the court a quo for proper proceedings.

SO ORDERED

Concepcion, C.J., Makalintal, Sanchez, Castro, Fernando, Capistrano, Teehankee and Barredo, JJ., concur.
Reyes and Zaldivar, JJ., on leave.

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