

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
CEFERINO DAQUIOAG AND DANILO DOMINGO,
DEFENDANTS-APPELLANTS.**

G.R. NOS. L-33709-10. March 28, 1974

Ponente: CASTRO, J.

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CASTRO, J.:

Ceferino Daquioag and Danilo Domingo were charged with forcible abduction with rape on two counts in criminal cases 11-101 and 11-105 of the Court of First Instance of Cagayan (Branch II). The twin informations aver, in substance, that on October 14, 1969, in the municipality of Lal-lo, province of Cagayan, the two accused, together with one Lorenzo de la Pena, armed with guns and a razor, forcibly abducted Magdalena Urbi and Lydia Urbi, and that later the defendant Daquioag, with the aid of his gun, overpowered and raped Magdalena Urbi, while the defendant Domingo, similarly armed, perpetrated the same crime on the person of Lydia Urbi.

At their arraignment on January 11, 1971, the defendants and their co-accused Lorenzo de la Pena pleaded not guilty in criminal case 11-101. They entered the same plea in criminal case 11-105 on February 5, 1971. When the two cases were heard again on March 24, 1971, however, the two defendants Daquioag and Domingo substituted their earlier plea of not guilty with that of guilty. On March 30, 1971, the trial court rendered its decision imposing upon each of the said defendants twin penalties of death and ordering them to indemnify their victims in the sums of P12,000 each and to bear their proportionate shares of the costs. The case against their co-accused De la Peña was provisionally dismissed for lack of evidence.

This case is now with us on automatic appeal.

Atty. Basilio H. Alo, whom this Court appointed counsel de oficio for the defendants, assigns but a single error in his extensive brief: "That the trial court erred in improvidently accepting accused-appellants' plea of guilty without inquiring into the causes that brought the same about, nor into whether the accused herein fully understood the serious charges against them and the necessary implications of their plea to a capital offense: in not taking the proper precautions directed in decisions of the high court and dictated by ordinary prudence under the circumstances; and in thereafter sentencing both accused-appellants to suffer the supreme penalty of death in Criminal Cases Nos. 11-101 and 11-105."

In his manifestation and motion (in lieu of brief), the Solicitor General, as counsel for the People of the Philippines, likewise faults the proceeding observed by the trial court in the arraignment of the defendants. Said proceeding, according to the recitation of the trial court in its order of March 24, 1971, was as follows:

"At 9:00 o'clock A.M. the accused Ccferino Daquioag and Danilo Domingo manifested thru counsel that they are praying the Court that their former plea of not guilty be withdrawn and that they be allowed to enter a plea of guilty. The Court warned them and advised them that even if they enter a plea of guilty, the death penalty might still be imposed upon each of them. After a conference with their counsel in open court, said accused manifested that they are willing to withdraw their pica of not guilty and enter a plea of guilty. The court

ordered that the case be called again at 11:00 o'clock in order to give the accused further time to meditate and consider the consequence of their projected plea of guilty, in view of the possibility that even with their plea of guilty, they might be sentenced to death penalty.

"At 11:30, the case was called again and the two accused reiterated their plea to enter a plea of guilty. Whereupon, the Court granted that their former plea of not guilty be withdrawn and that they be allowed to be re-arraigned. Upon re-arrangement in each of the two entitled criminal cases, Ceferino Daquioag entered a plea of guilty. Likewise, upon re-arraignment in each of the two above-entitled criminal cases, the accused Danilo Domingo entered a plea of guilty. The accused Lorenzo de la Peña reiterated his plea of not guilty in both of the two criminal cases."

The Solicitor General points out that the foregoing falls short of that quantum of care prescribed by this Court for the admission of a plea of guilty in capital offenses.

We have ourselves examined the records and found that while the trial court showed some concern for a possible misunderstanding on the part of the accused of the consequences of their change of pleas, emphasizing over and over again the possibility of the imposition of the death penalty, the same does not furnish sufficient assurance that the defendants' reversal of plea was not made improvidently.

First, it should be remembered that the defendants had already made up their minds, at their first arraignments, to plead not guilty. Their pleas were declarations of innocence; unless, therefore, some acceptable reasons are given, their reversals are and remain suspect to a court that exercises solicitous care in guarding against improvident entry of pleas of guilty to capital offenses. The trial court, in these two cases, did not inquire into the reason or reasons for the turnabout. It could happen, as the counsel de oficio suggests, that the defendants were given the impression that their extra-judicial confessions appearing in the records of the two cases rendered futile any assumption of innocence on their part and that imposition of the penalty of death was inevitable. It is not farfetched, as we said in *People vs. Daeng*, [1] that one or both of the defendants changed his or their pleas simply out of resignation to what appeared to him or them as a preordained fate.

Second, the trial court failed to impress upon the defendants the effects of their pleas of guilty in relation to the specific allegations of the informations against them. The informations are so technically phrased that laymen, let alone unschooled minors like the defendants (Domingo was only 16 while Daquioag was 20), cannot be expected to fully comprehend their meaning without patient and competent explanation.[2]

Finally, there is no law prohibiting the taking of testimony after a plea of guilty is entered by an accused. And in a case where the accused is charged with a capital offense, we have considered such taking of testimony to be the prudent and proper thing to do.[3] Had this proceeding been taken by the trial court, as has been consistently suggested by us in the past, the evidence obtained could have dispelled any possibility that the defendants might have misunderstood the nature, meaning and effect of their pleas. The fact that the extrajudicial confessions of the defendants are attached to the records affords us no comfort, for, they have not been introduced in evidence, much less properly identified and shown to have been freely and voluntarily executed.[4]

ACCORDINGLY, the judgment appealed from is set aside, and this case is hereby remanded to the court a quo for a new arraignment of the defendants Ceferino Daquioag and Danilo Domingo, with aid of counsel, and for further proceedings consistent with law and the views herein expressed.

Costs de oficio.

Makalintal, C.J., Teehankee, Makasiar, Esguerra, and Muñoz Palma, J.J., concur.

[1] L-34091, January 30, 1973.

[2] People vs. Saligan, L-35792, November 29, 1973.

[3] Ibid, footnote 7.

[4] Ibid,

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