

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. GOMEZ SALIGAN, DEFENDANT-APPELLANT.

G.R. No. L-35792. November 29, 1973

Ponente: RUIZ CASTRO, J.

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RUIZ CASTRO, J.:

The defendant-appellant Gomez Saligan was indicted before the Court of First Instance of Davao del Norte (Branch I), in its Criminal Case 952, for the crime of rape with homicide. The information charged that on July 2, 1972, in the municipality of Maco, province of Davao del Norte, the defendant raped one Teofista Maloloy-on and thereafter hacked her to death.

At his arraignment on September 22, 1972, Saligan pleaded guilty to the information. The trial court then promulgated its decision in open court, finding Saligan guilty and sentencing him, among others, to the penalty of death.

This case is now with us on automatic appeal.

The defendant, thru counsel de oficio appointed by this Court, challenges the validity of the decision of the trial court principally on the ground that the latter "erred in not properly discharging its basic duty, enjoined upon it, to be extra careful and solicitous in seeing to it that when the accused pleaded guilty to the capital offense charged, he understood fully the meaning of his plea and the import of his inevitable conviction."

The record shows that at the arraignment of the accused, the following proceedings took place:

"FISCAL:

Respectfully appearing for the prosecution.

"ATTY. RACHO:

Appearing for the accused as de oficio counsel. The accused is ready for arraignment.

"COURT:

Arraign the accused.

"INTERPRETER:

(After having arraigned the accused) --

The accused pleaded guilty, Your Honor."

The arraignment thus over, the counsel de oficio below invoked in favor of the accused the mitigating circumstances of voluntary surrender, plea of guilty, and illiteracy. The fiscal forthwith replied that these mitigating circumstances were of no avail to the defendant, considering the indivisibility of the statutory penalty of death for the offense. Having said this, the fiscal proceeded, thus:

"Now considering the present trend or policy adopted by the Supreme Court that in case of capital punishment, all doubts must be removed; that the accused is actually guilty aside from his plea of guilty.

"We wish to mark certain records of the case, Your Honor, as exhibits.

"The certificate of death of Teofista C. Maloloy-on certified to by Dr. Antonio Sebumpan, which is part of the records of this case, as our Exhibit 'A'.

"The affidavit of confession of Gomez Saligan, the accused herein found on pages 2 and 3 of the records of this case as Exhibit 'B', the first page; and the second page which is also a public document or record, as Exhibit 'B-1'.

"The affidavit of Anastacia Rocacorba found on page 4 of the records of this case as Exhibit 'C'.

"And the affidavit of Alfredo Rocacorba found on pages 5 and 6 of the records of this case, we wish it to be marked as Exhibit 'D', the first page thereof; and Exhibit 'D-1', the reverse side of the second page.

"COURT:

(To Interpreter) -- Mark them accordingly.

"FISCAL:

We are offering all these exhibits as evidence to confirm the express plea of guilty entered by the accused and, therefore, we are also manifesting that the accused is in court now and he appears to be normal and was ably represented by counsel, and who has had sufficient time to confer with the accused.

"COURT:

Any objection to the exhibits?

"ATTY. RACHO:

We submit, Your Honor.

"COURT:

All exhibits from 'A' to 'D-1' are admitted.

Without prejudice to the issuance of an extended decision, the Court finds Gomez Saligan, by his own confession, guilty beyond any reasonable doubt of the crime of rape with homicide, and hereby sentences him to death by electrocution, to suffer all the accessory penalties of the law, and to pay the costs. He shall also indemnify the heirs of the victim in the amount of P12,000."

The Solicitor General, as counsel for the People of the Philippines, upholds the position taken by the defendant in the present appeal, manifesting that "We are constrained to agree with appellant's first assignment of error that the trial court failed to follow the guidelines set by this Honorable Court in the conduct of arraignment of accused persons pleading guilty to offenses carrying capital punishments. In the arraignment here, the transcript aforequoted shows that the information was merely read to the appellant whereupon he pleaded guilty. The trial court did not make sure that appellant fully understood the nature of the grievous charge of murder preferred against him and the character of the punishment of death provided by law before it is imposed (People vs. Epifanio Flores, G.R. L-32692, July 30, 1971, 40 SCRA 230). As also gleaned from said proceedings, the court did not even talk to the appellant, much less acquaint him with the legal implications of his plea of guilty but addressed itself on the matter solely and exclusively to his counsel de oficio." [1]

We have ourselves carefully scrutinized the record, and we find and so hold that the trial court, far from

approximating the model of conduct we outlined in *People vs. Apduhan*,^[2] proceeded with inordinate haste in the arraignment of the defendant and disregarded this Court's injunction regarding the observance of solicitous care in the admission of pleas of guilty to capital offenses.

What we said in *People vs. Busa*^[3] is apropos: "It should always be remembered that a judicial confession of guilt embraces all the material facts alleged in the information, including all the aggravating circumstances listed therein. Any mistake or misunderstanding on the part of an accused, especially in capital offenses, as to the full meaning of his plea may thus prove irreversibly fatal to him. The instances are many where this Court has stepped in to point out probable misapprehension by the accused of his plea of guilty. In *U. S. vs. Agcaoili*,^[4] the trial judge admonished the accused that he could withdraw his plea of guilty if he wanted to, but the latter resisted the suggestion, commenting that 'he was responsible for the death of the two persons mentioned in the information.' Following a judgment of conviction, this Court reviewed the case and expressed the view that while the accused undoubtedly intended to confess that he took the lives of the persons mentioned in the information, 'he did not intend to admit that he committed the offense with the aggravating circumstances mentioned therein.' In *People vs. Solacito*,^[5] the fact that the accused answered affirmatively to the trial court's query as to 'whether he understands the meaning of a plea of guilty and whether he is admitting all the material averments in the information,' did not render the proceedings flawless. These questions are couched in so technical a language that the ordinary layman may not fully comprehend their meaning."

Thus, in *Apduhan* we 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."^[6]

And because there is no law prohibiting the taking of testimony after a plea of guilty, where a grave offense is charged, this Court has deemed such taking of testimony the prudent and proper course to follow for the purpose of establishing the guilt and the precise degree of culpability of the defendant.^[7]

It is worthy of note that the trial fiscal was in the correct frame of mind when he recognized the importance of demonstrating the culpability of the defendant by evidence apart from the latter's plea of guilty. Unfortunately, however, the fiscal did not follow through. His offer of the extrajudicial confession of the defendant as evidence of the latter's guilt and the trial court's admission thereof do not afford us comfort in the discharge of our task. For, having rejected the judicial confession of guilt of the defendant (his plea of guilty) on the ground that the manner of his arraignment does not exclude the possibility of improvidence in its entry, we can do no less with regard to his extrajudicial confession, the same not having been properly identified nor shown to have been freely and voluntarily executed. Moreover, the counsel de oficio and the Solicitor General are one in treating the signature on the said confession suspect due to its variance from the defendant's signatures in the other documents attached to the record of this case.

In sum, the barrenness of the record cannot give rise to the presumption that the trial court had accepted the defendant's plea of guilty in accordance with law. For, as we have held in *People vs. Busa*, supra, a judgment meting out the penalty of death is valid only if the record is susceptible of a fair and reasonable examination by this Court.^[8]

ACCORDINGLY, the decision appealed from is set aside, and this case is hereby ordered remanded to the court a quo for a new arraignment of the defendant Gomez Saligan, with aid of counsel, and for further proceedings in accordance with law and consistently with the views herein expressed. Costs de oficio.

Makalintal, C.J., Zaldivar, Fernando, Teehankee, Barredo, Makasiar, Antonio, Esguerra, Fernandez, Muñoz

Palma, and Aquino, JJ., concur.

[1] Appellee's Manifestation and Motion In Lieu of Brief, p. 5.

[2] G.R. No. L-19491, August 30, 1968, 24 SCRA 798.

[3] G.R. No. L-32047, June 25, 1973, 51 SCRA 317.

[4] 31 Phil. 91.

[5] G.R. No. L-29209, August 25, 1969, 29 SCRA 61.

[6] People vs. Apduhan, Jr., *supra*. See also People vs. Matias, et al., G.R. No. L-35384, November 28, 1972, 48 SCRA 181, and the citations in footnote 1 thereof.

[7] U.S. vs. Talbanos, 6 Phil. 541; U.S. vs. Rota, 9 Phil. 426; U.S. vs. Agcaoili, 31 Phil. 91; U.S. vs. Jamad, 37 Phil. 305; People vs. Bulalake, 106 Phil. 767; People vs. Espiña, G.R. No. L-33028, June 30, 1972, 45 SCRA 614; People vs. Simeon G.R. No. L-33730, September 28, 1972, 47 SCRA 129; People vs. Daeng, et al., G.R. No. L-34091, Jan. 30, 1973; People vs. Ricalde, G.R. No. L-34673, Jan. 30, 1973; People vs. Silvestre, G.R. No. L-33821, June 22, 1973; People vs. Alamada, G.R. No. L-34594-95, July 13, 1973; People vs. Villafuerte, G.R. No. L-32036, July 31, 1973.

[8] People vs. Duque, et al., G.R. No. L-33267-A, Sept. 27, 1973.

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