

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
KOLOH POHONG, AHALIN ADJAMIN, JANALA KULANA AND ESPITAL
SARATAL, DEFENDANTS-APPELLANTS.**

G.R. No. L-32332. August 15, 1973

Ponente: RUIZ CASTRO, J.

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RUIZ CASTRO, J.:

The four defendants Koloh Pohong, Ahalin Adjamin, Janala Kulana and Espital Saratal all pleaded guilty at their arraignment on July 6, 1970 in criminal case 61 of the Court of First Instance of Basilan. The information recites that on June 8, 1970, at Langisan, District of Lamitan, City of Basilan, all the said defendants, together with one Ujaring alias Ujang Asari who pleaded not guilty, formed a band (more than three of them armed with paltik shotguns, pira or barong) and robbed, by means of force upon things and violence against persons, a certain Elena de Balneg of various articles worth P220; and that on the occasion of the said robbery, the defendants hacked and killed Genaro Balneg Sr., Loreto Balneg, Elenita Balneg (3 years old) and Gerardo Triveles (1 year old), and inflicted injuries on Benedicto Triveles (6 years old) and Jose Triveles (4 years old).

Taking into account the mitigating circumstances of voluntary surrender and plea of guilty and the aggravating circumstances of disregard of the respect due the offended parties on account of their age and sex, dwelling, band, use of unlicensed firearms, and evident premeditation, the trial court rendered judgment on July 11, 1970, sentencing the defendants to suffer the penalty of death, to indemnify the heirs of each of the deceased in the sum of P12,000 plus moral damages of P10,000 and exemplary damages of P5,000, and to indemnify Benedicto and Jose Triveles each in the sum of P2,000, and to pay the costs.

The case is now before us for review en consulta.[1]

Both the counsel de oficio Atty. Ruben L. Roxas and the Solicitor General (counsel for the People of the Philippines) ask that we set aside the decision a quo on the ground of the failure of the trial court to observe the required prudence and care in the admission of the pleas of guilty of the defendants. It is pointed out that the record of the defendants' arraignment leaves ample room for doubt regarding their understanding of the full meaning and effects of their affirmative pleas.

Examining the entire record, we find only three portions thereof which make sketchy reference to the arraignment of the defendants. The first is found in the minutes of the proceedings. The clerk of court is recorded as reporting that

"When this case was called for arraignment both parties were ready. Counsel for the defense manifested to the Court that the four (4) accused will enter the plea of guilty. The four accused [were] duly arraigned and the information was read to them by the Court Interpreter in their own dialect which each and every one of them understands and all of the four accused voluntarily entered the plea of guilty."

The second is the statement in the decision itself which declares that

"Upon being arraigned, Koloh Pohong, Ahalin Adjamin, Janala Kulana, and Espital Saratal, assisted by counsel, freely and voluntarily entered the plea of 'guilty.'"

And finally, in his letter of transmittal dated July 28, 1970, the clerk of court below explained that "The accused having pleaded guilty after arraignment, no transcript of stenographic notes of the proceedings is necessary."

A plea of guilty admits the truth of all the material facts alleged in the information, including all the aggravating circumstances mentioned therein.[2] Thus, a mistaken plea of guilty, especially in capital offenses, could be irretrievably fatal to the accused. In order to steer clear of this danger, it is important that a trial court take all necessary steps in ascertaining that the accused fully understands the nature and meaning of the charges against him and the effects of an affirmative plea thereto.[3] In this regard, U.S. vs. Agcaoili[4] and People vs. Solacito[5] underscore the possibility of mistake on the part of the accused when he enters a plea of guilty. In Agcaoili, the vague declaration of the accused to the effect that "he was responsible for the death of the two persons mentioned in the information" was held as not necessarily admitting the attendance of the aggravating circumstances enumerated in the indictment. In Solacito, 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. This question is couched in technical terms the meaning of which is not readily discernible to the layman.

In People vs. Apduhan, supra, we explicitly enjoined all 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."

And to preclude all possibility of an improvident entry of a plea of guilty, where a grave offense is charged, we have deemed the taking of testimony the prudent and proper course to follow for the purpose of establishing not only the guilt of the accused but as well the degree of his culpability.[6] The taking of such testimony would serve not only to insure that the trial court itself does not incur in grave error but also to aid the Supreme Court in determining the legality of the conviction and the correctness of the penalty imposed.

In People vs. Busa, supra, we held that a judgment meting out the penalty of death is valid only if it is susceptible of a fair and reasonable examination by this Court. Verily, the record of the case at bar does not afford proper opportunity for such an examination. The unadorned declaration in the decision of the trial court that the defendants "freely and voluntarily entered a plea of guilty" is by no means a reliable assurance that the defendants completely understood the full meaning and implications of their pleas of guilty.

We underscore what we said in People vs. Busa: "In sum and substance, it will not suffice, under the law providing for compulsory review of death sentences by this Court, that the accused's plea of guilty is admitted and, on the basis thereof, that judgment is summarily rendered. The essence of judicial review in capital offenses is that while society allows violent retribution for heinous crimes committed against it, it must always make certain that the blood of the innocent is not spilled, or that the guilty are not made to suffer more than their just measure of punishment and retribution. Thus, a judgment meting out the penalty of death is valid only if it is susceptible of a fair and reasonable examination by this Court."

ACCORDINGLY, the decision appealed from is set aside, and this case is hereby remanded to the court a quo for

a new arraignment of the defendants Koloh Pohong, Ahalin Adjamin, Janala Kulana and Espital Saratal, and for further proceedings in accordance with law and consistently with the views herein expressed. Costs de oficio.

Makalintal, Acting. C.J., Fernando, Teehankee, Barredo, Makasiar, and Esguerra, JJ, concur.

Zaldivar and Antonio, JJ., took no part.

[1] Section 9, Rule 122, Revised Rules of Court; Section 50, General Orders 58, as amended; and Section 9, Republic Act 296, as amended.

[2] See *People vs. Busa*, L-32047, June 25, 1973 and the cases cited under footnote 3 thereof.

[3] *People vs. Apduhan*, L-19491, August 30, 1968, 24 SCRA 798; see also *People vs. Matias, et al.*, L-35384, November 28, 1972, 48 SCRA 181, and the citations under footnote 1 thereof.

[4] 31 Phil. 91.

[5] L-29209, August 25, 1969, 29 SCRA 61.

[6] *U.S. vs. Talbanos*, 6 Phil. 541; *People vs. Bulalake*, 106 Phil. 767.

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