

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
ERNESTO RAMOS Y ANTONIO, ELADIO CALUYA Y VINUYA, SIXTO
GABORNE Y LLUADER, EDUARDO SUBLECHERO Y CABUAT AND
JOHN DOE ALIAS “...**

G.R. NO. L-32265. July 25, 1974

Ponente: FERNANDO, J.

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FERNANDO, J.:

Sixto Gaborne, one of the accused sentenced to death without any evidence having been offered at all as he pleaded guilty, prays for a new trial, panibagong paglilitis. He sent a handwritten letter to the Department of Public Information, which thereafter referred the matter to the Department of justice. It was then endorsed to us. It was therein stated that he was seeking help as to how he could be given such new trial, the reason being that from the moment of his apprehension by the police force in Caloocan in December, 1967 up to the termination of his case in March of 1970, all he did was to sign his name whenever asked and to obey orders, no opportunity having been afforded him to be heard by a court of justice.[1] In a resolution of June 11, 1974, the matter was referred for comment to his counsel de oficio as well as to the Solicitor General's Office. The counsel de oficio stressed that as pointed out in the brief filed, it was stated "that inasmuch as he [Sixto Gaborne] was not clearly and fully informed of the nature of the offense charged nor fully advised of the consequences of his plea of guilty, said plea should be set aside and the case be remanded to the lower court for further proceedings." [2] All that was set forth in the comment of the Solicitor General was the following: "Regarding his claim that he was not afforded the opportunity to present his side, he could no longer avail of his right to testify as witness in his behalf (Rule 115, Sec. 1, sub-section (d), Revised Rules of Court) after he had pleaded guilty to the crime upon being arraigned.* * *"[3]

An examination of the records reveals that there was lacking that care and circumspection required of trial courts in admitting a plea of guilty to the serious charge of robbery with homicide, a capital offense. The order of the lower court of January 9, 1968 speaks for itself. Thus: "When this case was called for arraignment, the accused, Sixto Gaborne y Lluader, appeared assisted by Atty. Cecilio de la Merced, counsel de oficio, and after the information was read to him, voluntarily and spontaneously pleaded guilty to the crime charged. [In view thereof], let the promulgation of sentence be held in abeyance until further notice." [4] In the decision of March 5, 1970, the following appears: "As regards the accused, Sixto Gaborne, who at the arraignment pleaded guilty to the information which alleges that 'the above-named accused, conspiring together and mutually helping one another, at nighttime purposely sought to ensure the success of the crime committed and taking advantage of their superior strength * * *' admitted the commission of the crime as well as the aggravating circumstances of nighttime and superior strength alleged in the information. Hence, his plea of guilty has the effect of offsetting only one aggravating circumstance." [5] There is merit, therefore, to the plea for a new trial.

As was set forth in the recent case of *People vs. Andaya*: [6] "Apduhan and the twenty-one cases thereafter decided in accordance with its categorical requirement that there be due observance of the fundamental

requirements of due process before a plea of guilty is accorded acceptance speak too plainly for the message to be misread. We pay due heed to what they say.”[7] Less than six months later, in *People vs. Bacong*[8] it was stated in the opinion: "In *People vs. Andaya*, decisions of a similar character since *Apduhan* were noted. The last three cases in point, *People vs. Pohong*, *People vs. Duque*, and *People vs. Saligdan* are of even more recent date, the ponente in each of them being Justice Castro. How else could this Court dispose of such lower court decisions suffering from the corrosion of a grave substantial error of constitutional dimension?"[9] To complete the picture, it must be noted two more decisions to the same effect have been rendered in March of this year, *People vs. Villafuerte*[10] and *People vs. Daquioag*. [11]

What is undeniable, therefore, is that from *Apduhan* on, this Court has spoken in words too plain to be misinterpreted. It could not be otherwise. The constitutional rights of an accused as well as the accepted canons of procedure so require. The dire consequence of a plea of guilty is such that there must be a showing of a full understanding of what is entailed before there can be automatic acceptance of such a declaration. It is not enough, a circumstance not shown here, that counsel de officio had performed his work diligently and well. It is even more imperative that the trial court entrusted by the State with such a grave responsibility should, by the steps indicated in our above decisions, satisfy itself that there was a full realization of the fate that awaits the person on the dock, if there be an admission on his part that he indeed was responsible for the crime charged. Only then may a valid sentence be meted out. Only then is the law deemed complied with. Since this element is lacking in the case of *movant Gaborne*, we have to grant him a new trial.

WHEREFORE, the decision of the lower court of March 5, 1970 insofar as it concerns the accused *Sixto Gaborne* is set aside and a new trial granted to enable him to be afforded the opportunity to be heard in accordance with the guidelines set forth by this Court from *Apduhan* and the subsequent cases. No costs.

Makalintal, C.J., Zaldivar, Castro, Teehankee, Makasiar, Esguerra, Fernandez, Muñoz Palma, and Aquino, JJ., concur.

Barredo and Antonio, JJ., took no part.

[1] More specifically, that portion of the letter of appellant *Gaborne* written in Pilipino reads thus: "Ang hihilingin ko po sa inyong tulong ay kung papaano pa akong muli mabibigyan ng panibagong paglilitis, sapagkat simula ng ako ay mapasa kamay ng mga alagad ng batas ay wala na akong ginawa kundi ang sundin na lamang ang kanilang gusto. At natapos ang asunto ko noon taon Marso 1970 at nagkaasunto naman ako December 1967. Mula ng ako'y dalhin ng pulis Caloocan ay puro pirma lang ng pangalan ang ipinagawa sa akin, at natapos ang asunto hindi man lamang ako binigyan ng pagkakataon na magsalaysay sa hukuman ng aking sinasabi."

[2] Compliance, 2.

[3] Comment, 2.

[4] Order of January 9, 1968.

[5] Decision, Annex A to Brief of the Accused, 29.

[6] L-29644, July 25, 1973, 52 SCRA 137.

[7] *Ibid*, 140.

[8] L-36161, December 19, 1973, 54 SCRA 298.

[9] *Ibid*, 292-293.

[10] L-32037, March 28, 1974.

[11] L-33709-10, March 28, 1974.

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