

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE VS. RUBEN DE LA CRUZ, ET AL., DEFENDANTS AND APPELLANTS.

G.R. No. L-14187. August 31, 1962

Ponente: MAKALINTAL, J.

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MAKALINTAL, J.:

On March 4, 1958, during one of the riots and disturbances which, over a protracted period, rocked the national penitentiary at Muntinlupa, wherein two rival groups of prisoners known as "Oxo" and "Sige-sige" gangs were principally involved, four convicts figured among the fatalities: Ernest Tolentino, Monico Tanquin, Jose Blanco and Dominador Arcilla. For that particular incident six other convicts were charged with multiple murder in the Court of First Instance of Rizal (criminal case No. 7697). They are Ruben de la Cruz, Ceferino Banguion, Feliciano Dante, Tranquilino Oroc, German Puertas and Espiridion Perez.

The information filed against them alleges conspiracy, evident premeditation and treachery, quasi-recidivism and six other aggravating circumstances as follows:

- "1. That the crime was committed with insult to public authorities;
- "2. That the crime was committed by a band;
- "3. That the crime was committed by armed men or persons who insure or afford impunity;
- "4. Use of superior strength or means was employed to weaken the defense.
- "5. That as a means to the commission of the crime, doors and windows have been broken; and
- "6. That the crime was committed where public authorities were engaged in the discharge of their duties."

With the assistance of a lawyer de oficio, the defendants were arraigned on March 15, 1958. Three of them, namely, Ruben de la Cruz, Ceferino Banguion and Feliciano Dante, entered a plea of guilty while the rest pleaded not guilty.

On May 31, 1958 the Court a quo rendered its decision, of which the dispositive portion is as follows:

"IN VIEW OF THE FOREGOING, the Court finds the accused guilty beyond reasonable doubt of the crime as charged in the above-quoted information, which also alleges that the aggravating circumstance of quasi-recidivism is present together with six other aggravating circumstances. There is only one mitigating circumstance present, that is the plea of guilty, but since this is not enough to offset the above aggravating circumstances, the Court hereby sentences the accused to suffer the maximum penalty provided by law which is death and to indemnify the heirs of each of the offended party in the sum of P3,000.00 and to pay their corresponding share of the costs.

IT IS SO ORDERED."

On the same date the record was ordered elevated to this Court in view of the penalty imposed, pursuant to Rule

118, Section 9, in relation to section 17 of Republic Act No. 296. Another attorney de oficio was appointed to present their case for purposes of review. He now asks that the case be remanded for new trial on three grounds: "(1) that the accused entered a plea of guilty improvidently, or without a clear and precise understanding of its meaning and effect; (2) that because of the great incompetency, gross negligence and indifference of counsel de oficio appointed by the trial court, the accused were prevented from fairly presenting their defense, thereby resulting in their great prejudice; and (3) that irregularities were committed during the arraignment which, in effect, deprived defendants-appellants of their constitutional right to counsel."

Accompanying the brief for the three accused is a joint affidavit executed by them June 15, 1959, or over one year since the pronouncement of sentence, in which they deny having killed Monico Tanquin, one of the alleged victims, and declare that they killed the three others in self-defense; that they so informed their lawyer before arraignment, but he prevailed upon them to plead guilty, assuring them that if they did so they would "get only forty (40) years prison term or at most life imprisonment and that if they did not plead guilty they would surely get the death penalty." The affidavit itself rules out the theory of self-defense and reveals that the defendants entered their plea under a full consciousness of guilt, for otherwise they would shrink even from the possibility of a life sentence. Noteworthy is the fact that the other three who were accused with them and for whom the same counsel de oficio had been appointed entered a plea of not guilty and chose instead to go to trial.

This Court finds no compelling reason to remand this case for new trial particularly in view of the finding of the Court a quo that the defendants pleaded guilty voluntarily and spontaneously, that they entered such plea because they had been assured by counsel that by so doing they would receive at most a life sentence, and the fact that the requisite number of votes among the members of this Court is not sufficient to affirm the penalty of death, thus making the penalty next lower in degree mandatory, pursuant to Section 9 of Republic Act No. 296.

Wherefore, modified in the sense that the three accused should suffer the penalty of reclusion perpetua, with the accessory penalties provided by law, the judgment of the Court a quo is affirmed, with costs.

Bengzon, C. J., Padilla, Bautista Angelo, Labrador, Concepcion, Barrera, Paredes, Dizon, and Regala, JJ., concur.

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