

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. SEVERO MENGOTE AND JOSE PAJARES, DEFENDANTS-APPELLANTS.

G.R. No. L-30343. July 25, 1975

Ponente: MARTIN, J.

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MARTIN, J.:

This is an automatic review of the judgment of the Court of First Instance of Northern Samar presided over by the Honorable Judge Ignacio Mangosing convicting Severo Mengote and Jose Pajares of the crime of robbery with homicide and sentencing each of them to the extreme penalty of death, to indemnify jointly and severally the heirs of Francisco Lambino in the amount of P6,000.00, and to pay their proportional share of the costs.

On February 25, 1969, the accused with the assistance of Atty. Manuel Hechanova as counsel de officio pleaded guilty to an information which reads as follows:

"That on or about the 6[th] day of December, 1968, in the evening, in sitio Canadman nga Diyo, barrio Manering, an isolated place, Municipality of Catubig, Province of Northern Samar, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused with evident premeditation, confederating, conspiring and helping one another, with intent of gain and to kill, armed with bolos and using force upon person, did then and there wilfully, unlawfully and feloniously attack, assault, stab and slash one FRANCISCO LAMBINO several stab and slash wounds on the different parts of his body causing his immediate death thereafter and, in pursuance of their intent of gain, carried away one pig (sow) under the care of said FRANCISCO LAMBINO belonging to VICENTE LAMBINO worth (P100.00) PESOS, Philippine Currency.

That the crime was committed during night time, in an isolated and uninhabited place and, by the employment of craft, fraud and disguise."

During the arraignment of the accused the following proceedings transpired in the trial court:

"ATTY. HECHANOVA:

I appear as counsel de officio for both accused. I request your Honor, that this case be called later as I have not yet completed my conference with the other accused although the other accused signified his willingness to plead guilty.

COURT:

Alright, call that later.[1]

Time Resumed: 11:31 a.m.

ATTY. HECHANOVA:

Your Honor, the accused have signified their willingness to plead guilty to the offense charged, I request therefore that the information be read.[2]

COURT:

Let the accused Severo Mengote and Jose Pajares be arraigned. (Both accused were duly arraigned of the crime of robbery with homicide, and after the information was read to them, accused Severo Mengote readily pleaded guilty to the offense of robbery with homicide and likewise Jose Pajares pleaded guilty to the offense charge, after they were warned of the consequences of their plea.[3]

ATTY. HECHANOVA:

In addition to the spontaneous plea of guilty of both accused, we verify the mitigating circumstances of voluntary surrender which is supported by the evidence on record and lack of instruction on the part of the accused because they are illiterate; we also pray that the previous detention be credited in their favor.[4]

FISCAL:

I think detention could not be credited in their favor because this case is robbery with homicide, voluntary surrender we admit, lack of instruction we admit, but there is a decision with regards to that.[5]

COURT:

Why include lack of instruction Atty. Hechanova?

ATTY. HECHANOVA:

Severo Mengote is only Grade One while Pajares did not attend school."[6]

In its decision the lower court said:

"When the accused were arraigned on February 25, 1969 with the assistance of Atty. Manuel Hechanova as counsel de officio, the accused pleaded guilty to the information.

In view of the admission by said accused Severo Mengote and Jose Pajares in open court that they had committed the crime of robbery with homicide when arraigned, they are hereby declared guilty of the said crime, beyond reasonable doubt.[7]

From the foregoing it would appear that the mere admission in open court by the accused that they committed robbery with homicide at the time of their arraignment was sufficient to declare them guilty beyond reasonable doubt. After leafing through every page of the transcript of the stenographic notes We failed to find anything that would suggest that the lower court tried to satisfy itself whether the accused understood their plea of guilty and the consequences of their plea. All that appears in the record is the conversation of the lower court and the fiscal as to what mitigating and aggravating circumstances should be considered in the imposition of the penalty, without the court examining any witness to find out whether there really existed mitigating and aggravating circumstances in the commission of the crime charged. Three days after the accused were arraigned or on February 28, 1969, the lower court rendered its decision the substantial portion of which reads as follows:

"xxx xxx xxx

"When the accused were arraigned on February 25, 1969 with the assistance of Atty. Manuel Hechanova as counsel de officio, the accused pleaded guilty to the information.

In view of the admission by said accused Severo Mengote and Jose Pajares in open court that they had committed the crime of robbery with homicide when arraigned, they are hereby declared guilty of the said crime, beyond reasonable doubt. And considering the aggravating circumstances of night time, employment of craft, fraud, or disguise and that the crime was committed in an isolated or uninhabited place, with only the mitigating circumstance of plea of guilty in their favor as the circumstance of lack of education and instruction invoked by counsel de officio cannot be appreciated (People vs. Mutya, L-11255-56, Sept. 30, 1959) to extenuate their responsibility, the said Severo Mengote and Jose Pajares are hereby condemned to suffer the supreme penalty of death in accordance with the provisions of Article 294 sub-paragraph 1 of the Revised Penal Code in relation to Article 64 of the same Code, and to indemnify jointly and severally the heirs of Francisco Lambino in the amount of P6,000.00 and to pay their proportional share of the cost.

SO ORDERED."[8]

As to how the court a quo was able to arrive at the aggravating circumstances mentioned in the above-quoted decision, the records do not show. It is a well established doctrine that in all cases, especially those involving capital offenses:

"x x x the Court should be sure that the defendant fully understands the nature of the charges preferred against him and the character of the punishment to be imposed before sentencing him. While there is no law requiring

it, yet, in every case under the plea of guilty, it is advisable for the court to call witnesses for the purpose of establishing the guilt and the degree of culpability of the defendant." [9]

We have emphasized in subsequent cases the importance of adhering to such procedure whenever the accused enters a plea of guilty, more particularly when dealing with an ignorant non-Christian [10] or "an ignorant person with little or no education" [11] like the accused Severo Mengote and Jose Pajares who are both unschooled and illiterate.

Truly, it is within the "sound discretion of the court whether to take evidence or not in any case where it is satisfied that the plea of guilty has been entered by the accused with full knowledge of the meaning and consequences of his act." [12] But this Court is more inclined to believe that "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." [13] Thus where the question propounded by the court to the accused was whether he understood the meaning of a plea of guilty and whether he was admitting all the material averments in the information to which "the accused answered in the affirmative", the Supreme Court held that there was here no sufficient showing that the defendant was well aware of the import of his plea and fully realized the consequences thereof." [14]

In the present case, the situation was even of graver import than the circumstances surrounding the plea of guilty by the accused in Solacito. The accused herein were not even asked if they understood their plea of guilty and whether they were admitting all the material allegations in the information. No effort was exerted by the trial Judge to satisfy himself that the accused were well aware of the consequences of their plea and the full import thereof. In fact, the records hardly offer any indication that the accused were informed of the presence of aggravating circumstances in the commission of the crime. Being admittedly unschooled they could not possibly comprehend the precise implication of their plea of guilty, much less the meaning and significance of the technical terms constituting the aggravating circumstances. In view of this, We find no recourse but to declare the trial court at fault in not ascertaining beyond the pale of doubt whether the accused fully realized the consequences of their plea and the imminence of a death sentence arising therefrom before accepting their plea and imposing upon them the supreme penalty of death.

WHEREFORE, the decision under review is hereby set aside and the case remanded to the court a quo for a new arraignment of the accused, with assistance of counsel and with the precautions herein indicated.

IT IS SO ORDERED.

Makalintal, C.J., Castro, Fernando, Barredo, Makasiar, Antonio, Esguerra, Muñoz Palma, Aquino, and Concepcion, Jr., JJ., concur.

[1] T.s.n., p. 2.

[2] T.s.n., p. 2.

[3] T.s.n., p. 2.

[4] T.s.n., p. 3.

[5] T.s.n., p. 3.

[6] Tsn., p. 5, Feb. 25, 1969.

[7] Decision, Rollo, p. 3.

[8] Decision, Rollo, p. 3.

[9] U.S. vs. Talbanos, 6 Phil. 541; U.S. vs. Rota, 9 Phil. 426; U.S. vs. Agcaoili, 31 Phil. 91.

[10] People vs. Sabilu, 89 Phil. 283.

[11] People vs. Bulalake, 106 Phil. 767.

[12] People vs. Acosta, 98 Phil. 642.

[13] People vs. Apduhan, L-19491, Aug. 30, 1968; 24 SCRA 801.

[14] People vs. Solacito, G.R. No. L-29209, Aug. 25, 1969; See also cases of People vs. Flores, L-326992, Jury 30, 1971; 40 SCRA 230; People vs. Alamada, L-34954-95, July 13, 1973; 52 SCRA 103; People vs. Matias, L-35384, Nov. 28, 1972; 48 SCRA 181, 185; People vs. Estebia, L-26868, July 29, 1971, 40 SCRA 90; People vs. Villafuerte L-32037, March 28, 1974, 56 SCRA 219.

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