

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS.
VIEGILIO TRIOMPO Y BAGANTE, ET AL., DEFENDANTS. ANTONIO
NAVARRO, DEFENDANT AND APPELLANT.**

G.R. No. L-8585. October 23, 1956

Ponente: MONTEMAYOR, J.

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MONTEMAYOR, J.:

Appellant Antonio Navarro, alias Tonio, and five other persons were accused of robbery in an uninhabited building, said crime having been committed on September 17, 1954 "at night time which was purposely sought to better accomplish their ends", with the aid of a motor vehicle, by entering the warehouse of the Philippine Education Company, in the Port Area, in the City of Manila, after cutting the padlock of the front door of the same, and thereafter carrying away a number of articles deposited in the same warehouse, such as adding machine, typewriters, electric fans, etc., all valued at P1,072.88. Appellant's five co-accused were apprehended earlier. On the day of the trial, they pleaded guilty to the charge and were each sentenced from four (4) months and one (1) day of arresto mayor to three (3) years, six (6) months, and twenty-one (21) days of prison correccional, to indemnify the Philippine Education Company in the amount of P1,072.88, with subsidiary imprisonment in case of insolvency not to exceed 1/3 of the principal penalty, to the accessories of the law, and to pay 1/6 of the costs. The stolen property recovered was ordered returned to the Philippine Education Company.

Appellant Navarro was arrested later on October 30, 1954 and upon arraignment, he pleaded not guilty to the information. On the day of the trial, an attorney de oficio was assigned to him, which attorney after conferring with his client, informed the court that Navarro was willing to withdraw his plea of not guilty and so requested that he be again arraigned. When the information was read to him for the second time, he entered the plea of guilty, after which judgment was rendered, finding him guilty of the charge and sentencing him to the same penalty given to his five co-accused, as above stated. Despite his plea of guilty, Navarro appealed from the judgment of conviction. His attorney de oficio makes a valiant effort to set aside the judgment against his client on the ground that the trial court committed an error in not requiring additional evidence to establish his guilt, citing authorities to the effect that in order to avoid the danger of the entry of improvident pleas of guilty in criminal cases, specially when they involve grave crimes, it is prudent and advisable for the trial court to take additional evidence as to the guilt of the accused and the circumstances attending the commission of the crime.

When a defendant in a criminal case, assisted by counsel, admits his guilt by entering a plea of guilty, the trial court may forthwith enter judgment on the basis of said plea. The taking of additional evidence rests entirely on the sound discretion of the court, considering the gravity of the offense and the possibility that the defendant may not have fully comprehended the charge and realized the effects of conviction. In the present case, we entertain not the least doubt that appellant Navarro fully understood the allegations contained in the information, the meaning of conviction, and even the penalty attached to it, inasmuch as his five co-accused had already been convicted upon entering a plea of guilty and being sentenced thereafter to the penalty already mentioned. The Information was read to him not only once but twice, in Tagalog, first when he was originally arraigned, and the

second time when he changed his plea to that of guilty. Besides, he was assisted by counsel. There was, therefore, no necessity for taking additional evidence, and the trial court committed no error in sentencing him without such additional evidence.

We consider the present appeal as clearly frivolous. The time of this Court should not be consumed needlessly, in studying and deciding cases like the present, including the designation of busy lawyers to act as counsel de oficio. We do not blame the attorney de oficio in this case because it was not he but the defendant himself who appealed the decision, said attorney de oficio having been designated by this Tribunal after the appeal had been perfected.

We notice that the information to which appellant entered the plea of guilty alleges the aggravating circumstanced of night time and the use of a motor vehicle. The trial court erred in failing to consider the aggravating circumstances of the use of a motor vehicle, after compensating the aggravating circumstance of night time with the plea of guilty. Because of this appeal, we are constrained to correct this error and to consider this aggravating circumstance of the use of motor vehicle to increase the penalty. (*El Pueblo de Filipinas vs. Pastor Lacsamana y otros*, 70 Phil., 517). The prison sentence of appellant should, therefore, be increased to, from one (1) year, eight (8) months, and one (1) day, to four (4) years, nine (9) months, and eleven (11) days of prision correccional. With this modification of the penalty, the decision appealed from is hereby affirmed, with costs.

Paras, C. J., Padilla, Bautista Angela, Labrador, Concepcion, Reyes, J. B. L., Endencia, and Felix, JJ., concur.

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