

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ELPIDIO MARTINEZ, DEFENDANT-APPELLANT.

G.R. No. L-35353. April 30, 1973

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ANTONIO, J.:

This case is before this Court on appeal from the judgment of the Court of First Instance of Davao del Norte in Criminal Case No. 727, imposing the penalty of two (2) life imprisonments, upon accused-appellant Elpidio Martinez, on his plea of guilty to an information for double murder.

The information filed with the court a quo on January 26, 1972 by the Provincial Fiscal recites:

"That on or about December 17, 1971, in the Municipality of Carmen, Province of Davao del Norte, Philippines, and within the jurisdiction of this Court, the above-mentioned accused, with intent to kill with treachery and evident premeditation and armed with a knife did then and there wilfully, unlawfully and feloniously attack, assault and stab Juanaria Barangan and Telesforo Villamira, thereby inflicting upon them wounds which caused their death, and further causing actual, moral and compensatory damages to the offended party or parties or heirs of the victims.

"The commission of the foregoing offense was attended by the aggravating circumstances of superior strength and that the crime was committed at the dwelling of the offended parties."

Upon being arraigned on April 21, 1972, the accused-appellant with assistance of Atty. Baltazar Sator a counsel de oficio who was just designated on that date, pleaded guilty to the charge. The circumstances surrounding the submission of his plea as recorded in the minutes of the proceedings of the trial court are as follows:

"FISCAL:

Respectfully appearing for the prosecution, Your Honor.

ATTY. SATOR:

Respectfully entering a special appearance for Atty. Rama, counsel de oficio for the accused, Your Honor.

FISCAL:

May we know if this is really for special appearance and not regular appearance just for the record.

ATTY. SATOR:

If Your Honor please, Atty. Rama is my partner in the office and he has another case today, and since I have another case also here, he requested me to make a special appearance for him in the case.

FISCAL:

May we request, Your Honor, that Atty. Sator be appointed regular counsel de oficio.

COURT:

Counsel is hereby appointed counsel de oficio. Arraign the accused.

INTERPRETER:

(After having arraigned the accused). The accused pleaded guilty, Your Honor.

ATTY. SATOR:

If Your Honor please, the accused would like to invoke the mitigating circumstances of spontaneous plea of guilty and passion and obfuscation. And further, Your Honor, in a conference with the Fiscal and after examining the records, we would like to manifest that there was no treachery when the act was done or committed, Your Honor.

FISCAL:

We concede to that, Your Honor.

COURT:

So what are the mitigating circumstances that you want to invoke?

ATTY. SATOR:

Plea of guilty, passion and obfuscation, and that there was no treachery, Your Honor.

FISCAL:

If Your Honor please, we have carefully gone over the records and as a matter of fact it consists mainly of the extrajudicial confession of the accused and we found that treachery does not exist. However, the offense is still considered a murder case because of the aggravating circumstance of taking advantage of superior strength, so it is still a murder case, Your Honor.

And regarding the mitigating circumstance of passion and obfuscation x x x

COURT:

What are the circumstances or facts of superior strength?

FISCAL:

It is so specified in Art. 248 - No. 1. with treachery, taking advantage of superior strength, etcetera.

From his own admission and confession, Your Honor, because he killed Juanaria Barangan, the first victim who is an old woman, with a weapon and this Juanaria Barangan is an old woman and a female, and the other victim Telesforo Villamira was a paralytic. As a matter of fact, it is so stated in the admission of the accused that this Telesforo Villamira could not even rise when he was in bed and when he was hacked by the accused. He took advantage of the fact that this Telesforo Villamira was a paralytic, bed ridden, Your Honor. And since we believe that the accused told all the truth in his confession, we have to admit also that there were some reasons for his killing the victims and the given reason was that the accused said they were telling lies and bad things about him. So, we consider this mitigating circumstance of passion and obfuscation.

So, as it turns out we have now a case of two (2) aggravating circumstances of evident premeditation and also dwelling because it was committed at the very house of the victim. And so with the two mitigating circumstances invoked by the accused, the penalty should be imposed in its medium period. Under Article 248, murder is punishable by reclusion temporal in its maximum period to death, and the medium penalty is reclusion perpetua, and there being two separate independent offenses, one is for killing Juanaria Barangan and the other for killing Telesforo Villamira, we respectfully recommend a penalty for two life imprisonments.

COURT:

The Court would like to study this case more carefully on the penalty. So, the decision in this case is reserved.

FISCAL:

We submit, Your Honor.

And Your Honor please, anticipating that our recommendation will be granted and that a capital penalty of life imprisonment may be imposed on the accused, and the case ought to be forwarded to the Supreme Court for automatic review, we would wish to present evidence for record purposes.

We respectfully present the following evidence: the extrajudicial confession of the accused which is found on pages 10 of the record of this case, which we respectfully request to be marked as Exhibit 'A', the first page, and the second page as Exhibit 'A-1'; the thumbmark of the accused on Exhibit 'A' as Exhibit 'A-2', the signature of Municipal Judge Augusto R. Feliciano appearing on Exhibit 'A-1' as Exhibit 'A-1-a'; and the signature of Ricardo M. Naling, Investigator of the Carmen Police Department also appearing on Exhibit 'A-1', to be marked as Exhibit 'A-1-b'.

We also wish to be marked, Your Honor, the investigation report of Ricardo M. Naling found on pages 7, 8 and 9 of the records of this case as Exhibit 'B', the first page of the report; as Exhibit 'B-1', the second page of the report; and as Exhibit 'B-2', the third page of the report.

We wish to mark also as Exhibit 'B-1-a' the initial of Chief of Police Ricardo M. Naling found at the bottom righthand corner of Exhibit 'B'; the initial of said Naling found at the bottom of Exhibit 'B-1' as Exhibit 'B-1-b'; and the signature of Ricardo M. Naling found on Exhibit 'B-2' as Exhibit 'B-2-a'.

And the other exhibits, Your Honor, we wish to be marked are the certificates of death of the victims found on pages 3 and 4 of the record.

We wish to be marked as Exhibit 'C' the first page of the death certificate of Juanaria Barangan found on page 3 of the record; the second page as Exhibit 'C-1'; the signature of Celerino Caballes appearing on Exhibit 'C' as Exhibit 'C-1-b'; and the signature of Felipe Dema-ala, M.D., appearing on Exhibit 'C-1' as Exhibit 'C-1-c'.

And, Your Honor, the certificate of death of Telesforo Villamira appearing on pages 5 and 6 of the record as Exhibit 'D', the first page thereof, and as Exhibit 'D-1', the second page thereof; the signature of the Civil Registrar, Joaquin Bayte, as Exhibit 'D-1-a'; and the signature of Dr. Felipe Dema-ala, M.D., appearing on said certificate of death as Exhibit 'D-1-b'.

We also wish to mark as exhibit the preliminary examination conducted by Municipal Judge Augusto Feliciano of Carmen, Davao del Norte on Chief of Police Ricardo Naling appearing on pages 13 and 14 of the record, the first page as Exhibit 'E', and the second page as Exhibit 'E-1'; the signature of Ricardo Naling appearing on Exhibit 'E' as Exhibit 'E-2'; the initial of Judge Feliciano as Exhibit 'E-3'; the signature of Ricardo Naling appearing on Exhibit 'E-1' as Exhibit 'E-1-a'; and the signature of Municipal Judge Augusto Feliciano appearing on Exhibit 'E-1' as Exhibit 'E-1-b'.

The purpose, Your Honor, for offering all these evidence is to show that the accused in truth and in fact committed the offense charged and admitted the offense, and these are merely presented for record purposes, and we feel that the defense would not object to the same because of the spontaneous plea and admission or confession of the accused.

COURT:

All exhibits are admitted. The Court reserves the rendition of the decision for further study on the appropriate penalty to be imposed.

FISCAL:

We wish to manifest, Your Honor, that the accused and his defense counsel conferred with this Fiscal even before the arraignment and both of them were forewarned that in the event of plea of guilty, the Fiscal will recommend two (2) life imprisonments, and despite of that, the accused pleaded guilty, Your Honor.

COURT:

Case submitted for decision."

The counsel de oficio, in a well-reasoned brief for the appellant points out that "the accused is merely a laborer and had only attended grade one in school" and therefore there was no "moral certainty" that he "had a good grasp of the meaning of the allegations in the Information ... as well as the full import of his plea", and this is compounded by the absence of any showing in the record that the averments in the information including the qualifying and aggravating circumstances alleged therein were fully explained to the accused before his plea. Moreover his counsel de oficio, who was just appointed on that date, was not even afforded ample opportunity to study the case so that he could effectively represent said party.

Similar observations are contained in the manifestation of the Solicitor General, and because of such procedural lapses which prejudiced the constitutional rights of the appellant, he now recommends that the decision subject of review be vacated and remanded to the lower court for proper proceedings.

It does not appear from the records that the appellant had understood clearly and fully the allegations of the above-quoted information and the implications of his plea of guilt. Indeed it does not appear that the allegations therein including the qualifying and aggravating circumstances were explained fully to the appellant; much less has it been shown that the trial judge directed any questions to the accused on the circumstances attending the commission of the crime, of which he was charged, so as to obviate any doubt as to the possibility that he has misunderstood the nature and gravity of the charge to which he was pleading guilty. Moreover, the counsel de oficio of appellant was only appointed at the time of the arraignment. It is reasonable to assume, that his interview with the appellant, for a space of a few minutes, was not sufficient to give him a comprehensive knowledge of the relevant facts, as shown by the absence of even the semblance of an opposition to the introduction of certain important documents, which although submitted by the Fiscal only for "record purposes", became in effect the factual basis of some of the findings of the trial court in the decision.

It is a well-settled rule that in every case, the accused should be made to fully understand the nature of the charges against him and the consequences of his entering a plea of guilty.[1] This is the essence of fairness of procedure, an essential element of procedural due process.[2] The importance of that requirement is underscored by the fact that by the plea of guilty, the accused necessarily forecloses his right to defend himself from the charge and leaves the court no alternative but to impose the penalty fixed by law under the circumstances.[3] Thus We have repeatedly admonished trial courts from accepting with alacrity an accused's plea of guilty, but should exercise the requisite patience and circumspection in explaining to the accused the meaning of the accusation and the full import of the plea and the consequences of an inevitable conviction. Relevant to this, is the necessity for his counsel de oficio to be accorded the fullest opportunity of knowing the facts of the case from the accused himself, more than just examining the records of the case.[4] When the accused who enters his plea to a capital offense is ignorant or deficient of any educational background, the proper and prudent course would be for the court to take testimony "not only to satisfy the trial judge himself but to aid the Supreme Court in determining whether the accused really and truly understood and comprehended the meaning, full significance of his plea." [5]

We have previously suggested that in capital offenses, the trial judge should give ample opportunity to the counsel de oficio to examine not only the records of the case but also to acquire every relevant information on the matter, such as conferring with the accused lengthily so that he can properly, intelligently and effectively represent his

interests.[6] This is but to accord substance, to one of the great principles of justice, guaranteed by the Constitution, which is the right of an accused to be heard by himself and counsel as a requirement of due process. The enjoyment of such a right would certainly be eviscerated if the counsel of the accused is precluded from knowing fully the facts of his client's case.[7] Indeed the obligations of the Court toward an indigent defendant are not discharged by an assignment, which precludes his counsel de oficio from giving his client effective legal advice and assistance.

WHEREFORE, the decision of the lower court is hereby set aside, and the case remanded thereto for further proceedings in conformity with law.

It is so ordered.

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

[1] United States vs. Agcaoili, 31 Phil. 91; United States vs. Talbanos, 6 Phil. 541.

[2] Joint Anti-Fascist Ref. Comm. vs. McGrath, 341 U.S. 123, 161.

[3] People vs. Balisacan, 17 SCRA 1119.

[4] People vs. Apduhan, Jr., 24 SCRA 798; People vs. Villas, 27 SCRA 947; People vs. Arpa, 27 SCRA 1037; People vs. Mongado, 28 SCRA 642; People vs. Nabual, 28 SCRA 747; People vs. Serafica, 29 SCRA 123; People vs. Delos, 30 SCRA 734; People vs. Englatera, 34 SCRA 285; People vs. Espejo, 36 SCRA 455; People vs. Baylosis, 47 SCRA 5; People vs. Matias, 48 SCRA 181.

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

[6] People vs. Simeon, 47 SCRA 129.

[7] See: 84 A.L.R. 544; Powell vs. Alabama, 287 U.S. 45; 77 L. ed. 158.

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