

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
STEPHEN DOUGLAS STRONG ALIAS STEVE STRONG,
DEFENDANT-APPELLANT.***G.R. No. L-38626. March 14, 1975*

Ponente: FERNANDO, J.

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The point stressed by counsel de oficio, former Delegate Salvador Mariño, in language quite restrained under the circumstances, in this automatic review of a death sentence, is the rather obvious disregard by Judge Jesus V. Occeña of the due process requirement that must be met to justify acceptance of a plea of guilty in a capital offense. He therefore asked that the conviction be set aside and the case remanded to the lower court. Solicitor General Estelito P. Mendoza is in agreement.[1]

As set forth in his manifestation and motion in lieu of appellee's brief, on February 6, 1974, during the continuation of the arraignment, the accused Stephen Douglas Strong was asked by Judge Occeña: "And it is also stated here, 'that on the occasion and in pursuance of said robbery and to ensure his felonious intent, the above-named accused with intent to kill, with treachery and evident premeditation, did then and there willfully, unlawfully and feloniously, with the use of a fork and towel, attack, assault, stab, choke and strangle one Cornelia Bartolaba, which caused her immediate death', what do you say to that?"[2] His categorical answer: "No." [3] Then when interrogated further to explain why he answered in the negative considering that he had entered a guilty plea and specifically queried as to whether he meant to say that he did not attack, that he did not assault, that he did not stab, that he did not choke and strangle the victim, Cornelia Bartolaba, to death, there was an outright denial that he did any of those acts attributed to him, answering "no" every time to each and every question.[4]

Thus it was quite unexpected when on February 8, 1974, notwithstanding such explicit refusal to acknowledge guilt, the trial court rendered judgment finding the accused guilty beyond reasonable doubt of the crime charged.[5] Reference was next made in the manifestation of the Solicitor-General to the contention in appellant's brief that the plea of guilty should be disregarded as it could not be considered definite and absolute. Instead, it should be one of not guilty with the lower court being called upon to continue the trial on the merits.[6] Then came this portion of the manifestation of the Solicitor General: "We are in full accord with appellant's contention. It is clear from a perusal of the afore-quoted portion of the transcripts that the accused denied the allegations contained in the information. It is well-settled that when a plea of guilty is not definite or ambiguous, or not absolute, the same amounts to a plea of not guilty. * * * This Honorable Court has manifested its constant concern with improvident pleas of guilt. Trial courts have been repeatedly admonished to be circumspect in accepting pleas of guilty in capital offenses. It is in line with this salutary principle and in the best interest of justice that appellee is constrained to agree with the stand of the appellant." [7]

That is all that needs be said. The other points discussed in the comprehensive brief of counsel de oficio do not call for any further discussion. As was noted in the recent decision of *People v. Ybañez*, [8] the Court speaking

through the Chief Justice, trial judges, quoting from *People v. Aduhan*,^[9] are "to 'refrain from accepting with alacrity an accused's plea of guilty, for while justice demands a speedy administration, 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.'" ^[10] Even prior to the oft-cited *Aduhan* opinion of Justice Castro, the above-authoritative doctrine has been well-settled in this jurisdiction. It could be traced to a 1907 ruling by Justice Carson in *United States v. Rota*.^[11] Subsequently, it was reiterated in a number of other decisions.^[12]

From and after August 1968, when *Aduhan* was promulgated, this Court has invariably referred to it as furnishing the standard, and that in words too plain to be misinterpreted. It could not be otherwise, if deference is to be accorded to the constitutional right to due process as well as the rudimentary procedural principles. The element of fairness cannot be satisfied in any other manner. There must be, for a plea of guilty to be judicially acceptable then, a showing of full understanding of what is at stake. That is so even when an accused does clearly admit the commission of the culpable act. Here, on the contrary, while there was an admission of guilt hastily made, it turned out, on his being specifically questioned, the accused denied most categorically the allegations in the information. How could the plea of guilt earlier made be the basis of a judgment of conviction?

It is indeed deplorable, considering that as of the time the trial judge decided the case, this Court had reiterated *Aduhan* in no less than twenty-nine separate occasions, that he did act the way he did, apparently heedless of what is authoritatively ordained time and time again. Even a cursory perusal of this Court's decisions should make clear the undeviating adherence to such a basic doctrine. Judicial carelessness, it thus appears, has never been carried before to such extremes. It ought never to have happened, and care should be taken that it does not happen again.

WHEREFORE, the decision of the lower court dated February 8, 1974 is set aside and nullified and the case remanded to it for a trial to be conducted strictly in accordance with the requirements of the law. No costs.

Castro, Teehankee, Barredo, Makasiar, Antonio, Esguerra, and Fernandez, JJ., concur.

Makalintal, C.J., concurs in the result.

Aquino, J., did not take part.

Muñoz Palma, J., on leave.

[1] He is assisted by Assistant Solicitor General Hector C. Fule and Solicitor Jesus P. Maranao.

[2] Manifestation and Motion in lieu of Appellee's Brief, 2-3.

[3] *Ibid*, e.

[4] *Ibid*.

[5] *Ibid*.

[6] *Ibid*.

[7] *Ibid.*, 3-4.

[8] L-35877, December 20, 1974.

[9] L-19491, August 30, 1968, 24 SCRA 817.

[10] *Ibid*.

[11] 9 Phil. 426.

[12] Cf. *United States v. Dineros*, 18 Phil. 566 (1911); *United States v. Agcaoili*, 31 Phil. 91 (1915); *United States v. Jamad*, 37 Phil. 305 (1917); *People v. Sabilul*, 89 Phil. 283 (1951); and *People v. Bulalake*, 106 Phil. 767 (1959).

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