

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. VIRGILIO SOLACITO, DEFENDANT-APPELLANT.

G.R. No. L-29209. August 25, 1969

Ponente: CONCEPCION, C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/58fc230eeea3/>

CONCEPCION, C.J.:

This case is before us en consulta, defendant herein having been sentenced to the extreme penalty, to indemnify the heirs of the deceased Dominador Castillon in the sum of P6, 000, and to pay the costs.

Defendant Virgilio Solacito is charged with murder. In the information, filed with the Court of First Instance of Iloilo, it is al-leged:

"That on or about the 11th day of March, 1968, in the City of Iloilo, Philippines, and within the juris-diction of this Court, said accused, armed with a knife, taking advantage of nighttime to better realize his pur-pose, with deliberate intent to kill and without justifiable motive, with evident premeditation, treachery and abuse of superior strength, the deceased being an old man, did then and there wilfully, unlawfully and criminally stab, hit and wound Dominador Castillon with the said knife with which the said accused was provided at the time, hitting the latter and causing upon him stab wound on vital part of his body which caused his death moments thereafter; that the accused in this case is, a recidivist, having been previously convicted by final judgment of the Court of First Instance of Iloilo in Criminal Case No. 10416 for Frustrated Homicide and was sentenced on August 22, 1964, to one (1) year imprisonment plus the cost and in Criminal Case No. 28522 for Malicious Mischief, committed on September 18, 1967 and was sentenced on September 18, 1967 to public censure."

As stated in the decision of said Court:

"When this case was called for arraignment and trial this morning, Atty. Dominador Gonzales, appear-ing in behalf of Atty. Gualberto Opong, the duly appointed attorney de oficio for the accused, manifested that the accused is willing to enter a plea of guilty to the crime charged and the Presiding Judge of this Court asked the accused whether he understands the meaning of a plea of guilty and whether he is admitting all the material averments in the information. To the questions of the Court, the accused answered in the affirmative. The accused was further asked whether anybody threatened, intimidated or persuaded him to enter a plea of guilty and he answered in the negative. The accused was then arraigned and he pleaded guilty freely and voluntarily to the crime charged, thus admitting all the facts alleged in the information. x x x."

Immediately after setting forth the foregoing proceedings, said decision adds:

" x x x The information alleges two (2) qualifying aggra-vating circumstances, to wit: Treachery and evident premeditation and three (3) generic aggravating circum-stances of nighttime, abuse of superior strength and re-cidivism. Applying the provision of paragraph 4, Arti-cle 64 of the Revised Penal Code, the mitigating cir-cumstance of voluntary plea of guilty offsets one generic aggravating circumstance, thus leaving two more gene-ric aggravating circumstances. But only one will be taken into account in the imposition of the proper period of the penalty provided for by law because the generic aggravating circumstance of nighttime is absorbed or inherent in treachery, as held by the Supreme Court in the cases of *People vs. Balagtas*, 68 Phil.

675; *People vs. Mat silang*, 46 O.G. No. 4, 1557; and, *People vs. Young*, 46 O.G. (Sup.) No. 11, 154. Under this state of facts, the proper penalty to be imposed upon the accused is the maximum period of the proper penalty for murder as provided for in Article 248 of the Revised Penal Code.

"IN VIEW OF THE FOREGOING, the accused, Virgilio Solacito, is hereby found guilty beyond reason-able doubt of the crime of Murder and this Court here-by sentences him to suffer the maximum penalty of death, to indemnify the heirs of the deceased in the amount of P6, 000. 00, and to pay the costs."

It is well settled that, in all cases, especially those involving capital offenses:

" x x x (t)he court should be sure that the de-fendant fully understands the nature of the charges pre-ferred 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, where the penalty may be death, it is advisable for the court to call witnesses for the purpose of estab-lishing the guilt and the degree of culpability of the defendant. " [1]

The importance of adhering to this practice was stressed in subsequent cases, more particularly, when dealing with an ignorant non-Christian[2] or "an ignorant person with little or no education,"[3] as the defendant herein seems to be.

In *People v. Acosta*,[4] we declared that the question of whether or not evidence should be taken, to determine the guilt of the accused who has entered a plea of guilty, and the circumstances attendant upon the commission of the crime, lies within the "sound discretion" of the court, provided that it is "satisfied that the plea of guilty has been entered by the accused with full knowledge of the meaning and conse-quences of his act." Thus, speaking through Mr. Justice Castro, this Court had occasion to advert to the fact 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 im-port of an inevitable conviction. "[5]

In the case at bar, we are not satisfied that His Honor, the trial Judge, had properly discharged such duty. According to his de-cision, he "asked the accused whether he understands the meaning of a plea of guilty and whether he is admitting all the material averments in the information" and "the accused answered in the affirmative." The foregoing statement does not sufficiently show that the defendant was well aware of the import of his plea and fully realized the con-sequences thereof. The questions propounded by the lower court in this case are a far-cry from the precautions taken by Judge Alo, which merited the commendation of this Court, in the *Aduhan* case, 6 from which we quote:

"When the case was called for trial on August 9, 1961, Atty. Tirol informed the court a quo that he was appearing also for *Aduhan*, but only as counsel de oficio. In view of this manifestation, the trial court appointed Atty. Tirol as counsel de oficio for the said accused. Forthwith, Atty. Tirol manifested that *Aduhan* would change his former plea of not guilty to a plea of guilty. The record discloses that after the trial judge had re-peatedly apprised *Aduhan* of the severity of the offense for which he was indicted and the strong possibility that the capital penalty might be imposed upon him despite a plea of guilty, *Aduhan* persisted in his intention to plead guilty with the request, however, that the death penalty be not imposed. Then after hearing the arguments of Provincial Fiscal Jesus N. Borromeo and Atty. Tirol on the effect of articles 295 and 296 of the Revised Penal Code on the case at bar, the trial judge advised the here-in accused anew that he could be sentenced to death notwithstanding his projected plea of guilty, but the latter reiterated his desire to confess his guilt on the specific condition that he be sentenced to life imprisonment. Eventually, however, *Aduhan* desisted from pleading guilty and let his previous plea stand on record after further warnings that he faced the grave danger of being sentenced to death in view of the circumstances of his case. But the aforesaid desistance was merely momen-tary as it did not end the accused's equivocation on the matter of his plea. After a five-minute recess re-quested by Atty. Tirol in order to confer with the ac-cused, the former informed the

court a quo that his client would insist on entering a plea of guilty. The following appears on record:

" 'Atty. D. TIROL:

" 'Your Honor, please, I had a conference with the accused and I apprised him with the situation of the case and after hearing our appraisal he manifested that he will insist on his entering a plea of guilty, Your Honor. I made it clear to him that we are not forcing him to enter the plea of guilty.

" 'COURT (To accused Apolonio Apduhan, Jr.)

" 'Q. Is it true that you are withdrawing your plea of not guilty?

" 'A. I will just enter the plea of guilty.

" 'Q. Have you been forced to enter the plea of guilty by your lawyer?

" 'A. No, Sir.

" 'Q. And why do you said 'I will JUST enter the plea of not guilty'?

" 'A. I have proposed to enter the plea of guilty even before.

" 'Q. Now the Court warns you again. Are you conscious of the fact that notwithstanding your plea of guilty the Court may impose upon you the penalty of death?

" 'A. I will just enter the plea of guilty, at the discretion of the Court.

" 'Q. Even with all those dangers mentioned by the Court to you?

" 'A. Yes, Sir.' (t. s. n. pp. 23-25)"

"Subsequently, the prosecuting fiscal and the counsel de oficio resumed their oral arguments regarding the effect on the instant case of articles 295 and 296, particularly the use of unlicensed firearm as a special aggravating circumstance under the latter article. Also discussed were the existence and effect of the alleged mitigating and aggravating circumstances. All of these points will be later analyzed.

"When the lower court subsequently reviewed the proceedings, it found that the accused's plea of guilty was ambiguous. Hence, on August 30, 1961, the case was re-opened with respect to Apduhan, and on said date the latter entered a categorical plea of guilty, as evidenced by the record:

" 'COURT (To Accused Apduhan, Jr.):

" 'The Court reopened this case because after a review of the proceedings it found that your plea was not definite. In answer to a question of the Court you simply said 'I will just enter the plea of guilty'. The Court wants to know whether you enter the plea of guilty of the crime charged in the second amended information.

" '**ACCUSED APDUHAN:**

" 'I enter the plea of guilty.

" 'COURT (To same accused Apduhan):

" 'Q. Therefore, you admit that you have committed the crime charged in the second information?

" 'A. Yes, Your Honor.

" 'Q. Is it necessary for you that the second amended information be read again?

" 'A. No more; it is not necessary.

" 'Q. Do you want that the second amended information be read to you again?

" 'A. No more, Your Honor. ' (T. s. n. pp. 50-51)"

"On the same day, the court a quo rendered its decision, the pertinent dispositive portion of which reads:

" 'PREMISES CONSIDERED, the Court renders judgment finding accused Apolonio Apduhan, Jr., alias Junior guilty of the complex crime of robbery with homi-cide, punished by Article 294 of the Revised Penal Code, in relation to Article 296 of the same Code, as amended, and sentences him to suffer the penalty of death. ' "7

In the Acosta case,⁸ the trial court had, similarly, taken pains to assure itself "that the accused was well aware of the consequences of his plea" and "the full import" thereof.

'No comparable assurance is imparted by defendant's affirmative answer to the questions propounded by the lower court "whether he un-derstands the meaning of a plea of guilty and whether he is admitting all the material averments in the information." The questions were, ap-parently, formulated in such a technical language that a layman is likely to miss the far-reaching implications thereof. There is every reason to believe that the accused, who claims to be an "ice-plant delivery boy" is not capable of understanding the precise connotation of the term "material averments" of the information, used by His Honor the trial Judge, without any explanation thereof, which, seemingly, was not given. Indeed, candidly confessing that the record hardly offers him anything to cast light thereon, Attorney Benjamin L. Bargas had this to say, in his brief, as counsel de oficio for the accused:

"Faced with this grave task, this representation interviewed the accused at Muntinglupa for whatever in-formation he could gather that may shed some light on the circumstances surrounding the killing. Briefly, the accused gave the following information:

"1. The accused was an ice-plant delivery boy.

"2. He and the deceased lived on the same street.

"3. The deceased was a carpenter, about 55 years of age, but very husky and strong.

"4. The deceased was some sort of a bully in the area and on many occasions in the past had verbally abused him when he (deceased) was drunk.

"5. Prior to the incident in question, he was man-handled by the deceased, while the latter's son-in-law stabbed him on the back requiring his hospitalization.

"6. On the night in question, he had had several drinks and was in fact drunk. He chanced upon the de-ceased at the market place who was also drinking with several other men. The deceased again heaped abusive language upon him; not being able to contain himself any longer for the bullying tactics of the deceased and blinded by hatred, the accused stabbed the deceased once on the chest causing the latter's death.

"7. The accused claims that when he talked with Atty. Opong, his Court appointed counsel, he admitted having killed the deceased but he did not understand nor was he made to understand the meaning or effect of the aggravating circumstances alleged in the Information. On this contention, it would be well not to lose sight of the fact that Atty. Opong did not attend his arraignment but a certain Atty. Dominador Gonzales (Decision, p. 1). It was precisely with the realization that he had killed another human being without legal justification that he pleaded guilty. He vehemently denies however that he understood the meaning of treachery, evident premedi-tation, abuse of superior strength and the other aggra-vating circumstances alleged in the Information. He even went so far as to state that the Court interpreter was a "Compadre" of the deceased.

"We do not know if the information alleged above is true. Certainly, however, most of it can be verified. On the chance that it may be true, it would seem that the accused may only be guilty of homicide and not of murder, and indeed had no precise understanding of the meaning and effect of a guilty plea to the Information which alleges five (5) aggravating circumstances. It is submitted that this possibility is fraught with such grave consequences that a remand of the case to the lower Court for the taking of evidence appears justifi-fied and necessary."⁹

Under the circumstances, we are inclined to agree with Atty. Bargas - whose earnestness and sense of responsibility as counsel de officio and as an officer of the Court should be complimented and deserve emulation - that there is no reasonable certainty that, in pleading guilty to the charge against him, the defendant did not intend to admit merely that he had killed the offended party, overlooking the qualifying and aggravating circumstances alleged in the information or, at least, without a fair notion of the implications thereof.

WHEREFORE, the decision of the lower court is hereby set aside and the case remanded thereto for further proceedings in con-formity with the views expressed in the cases above referred to.

IT IS SO ORDERED.

Dizon, Makalintal, Sanchez, Castro, Fernando, Capistrano, Teehankee and Barredo, JJ., concur.
Reyes and Zaldivar, JJ., are on official leave abroad.

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

[2] People v. Sabilu, 89 Phil. 283.

[3] People v. Bulalake, 106 Phil. 767.

[4] 98 Phil. 642.

[5] People v. Apduhan, G.R. No. L-19491, Aug. 30, 1968.

6 Supra.

7 Underscoring supplied.

8 Supra.

9 Underscoring supplied.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.