

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
MAXIMO SIMEON, LOUIS MEDNATT, INOCENTES DE LUNA, RUBEN
MIRANDA, ALFONSO BALLESTEROS, RUDOLFO SUAREZ, MANUEL
MANALO, ALBERT...**

G.R. No. L-33730. September 28, 1972

Ponente: MAKASIAR, J.

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MAKASIAR, J.:

This is an automatic review of the three decisions of the Circuit Criminal Court of Rizal sentencing the defendants to death, to indemnify jointly and severally the heirs' of the victim in the amount of P12,000.00 as well as P50,000.00 by way of moral damages and P50,000.00 as exemplary damages, and to pay the costs (pp. 105-121, rec.) upon their plea of guilty to the charge of murder under the following information:

"That on or about October 17, 1970, in the New Bilibid Prison, Muntinlupa, Rizal, Philippines and within the jurisdiction of this Honorable Court, the said accused while then national prisoners serving final sentences and then confined at the said institution, conspiring, confederating and acting together and armed with improvised deadly weapons, did then and there willfully, unlawfully and feloniously assault and wound therewith one Pedro Langaoen, No. 74203-P, another convicted prisoner serving final sentence at the New Bilibid Prison, in the different parts of the body, inflicting upon him wounds to wit:

'NECROPSY REPORT

'Decedent

Pedro Langaoen

54 years.

Male

Malay

Filipino

Name

Age

Sex

Race

Nationality

'POSTMORTEM FINDINGS

'Paller, conjunctives and nailbds.

Incised wounds, gaping: face, left, running downwards and medially, 11.0 cms. long, with approximate depth, 2.5 cms; and 7.0 cms. long, with approximate depth, 1.0; neck, lateral aspect, left, 5.0 cms. long; forearm, right, lower thirds, antero-lateral aspect, 5.0 cms.; with approximate depth, 1.5 cms.

Stab wounds, with clean-out edges, both extremities, sharp;

(1) mandibular region, right lateral aspect, 1.0 cm. in size, oriented vertically, directed medially, non-perforating, with approximate depth, 2.0 cms.;

(2) neck, postero-lateral aspect, left, 1.0 cm.; oriented vertically, directed downwards, medially and forwards, non-perforating, with approximate depth, 2.0 cms.;

(3) neck, lateral aspect, left, 1.5 cm., oriented downwards, anteriorly, directed downwards, forward and medially, non-perforating, with approximate depth, 2.0 cms.;

(4) and (5) supraclavicular, region, left, 2.0 cms. and 1.5 cms., oriented downwards and laterally, directed downwards, backwards and medially, non-perforating, with approximate depths, 3.0 cms.;

(6) shoulder, left, anterior aspect, 3.0 cms., oriented vertically, directed downwards, backwards and medially, non-perforating, with approximate depth, 4.0 cms.;

(7) chest, left, supero-lateral portion, 1.5 cms., oriented vertically, directed downwards, backwards and medially, non-perforating, with approximate depth, 2.0 cms.;

(8) chest, left, supero-lateral aspect, at the level of the 2nd intercostal space, 13.0 cms. from the anterior median line, 4.0 cms. in size, oriented downwards and medially, directed downwards, backwards and medially, involving among other things, the soft tissues, thru the 2nd intercostal space, left, in the left thoracic cavity, then penetrating the left lung, upper lobe, with approximate depth, 9.0 cms.;

(9) shoulder, right, anterior aspect, 1.5 cms.; oriented vertically, directed laterally, downwards and backwards, non-perforating, with approximate depth, 2.5 cms.;

(10) chest, right, anterior aspect, at the level of the 3rd intercostal space, 5.0 cms. from the anterior median line, 1.8 cms. in size, oriented downwards and laterally, directed backwards, downwards and laterally, involving among other things, the soft tissues, thru the 3rd intercostal space, right, into the right thoracic cavity, then perforating the right lung, upper lobe, with approximate depth, 13.0 cms.;

(11) chest, left, antero-lateral aspect, at the level of the 6th intercostal space, 13.0 cms. from the anterior median line, 1.7 cms. in size, oriented vertically, directed backwards, downwards and medially, involving among other things, the soft tissues, thru the 6th intercostal space, then penetrating the lower lobe of the left lung, with approximate depth, 7.5 cms.;

(12) hypochondriac region, left, 2.0 cms., oriented downwards and medially, directed downwards, backwards and medially, non-perforating, with approximate depth, 5.5 cms.;

(13) and (14) scapular region, left, 5.0 cms., oriented downwards and laterally, directed upwards, forwards and laterally, involving the soft tissues, non-perforating, communicating with another wound on the scapular region, left, 3.5 cms. in size, oriented downwards and laterally;

(15) arm, left, posterior aspect, upper thirds, 3.0 cms., oriented upwards and laterally, directed forwards,

upwards and anteriorly nonperforating, with approximate depths, 3.5 cms.;

(16) scapular region, left, 1.5 cms. and 1.0 cm., directed forwards, non-perforating, with approximate depths, 2.0 cms. and 1.5 cms.;

(17) to (23) multiple, lumbar region, left, posterior aspect, sizes ranging from 0.7 cm. to 1.0 cm., over an area of 12.0 cms., 8.0 cms., directed forwards, non-perforating with an average depth, 2.0 cms.;

(24) and (25) chest, left, lateral aspect, 2.0 cms. and 0.7 cms., oriented vertically, directed forwards, downwards and medially, non-perforating, with approximate depth, 2.0 cms.;

(26) lumbar region, left, lateral aspect, medially and downwards, non-perforating, with approximate depth, 5.0 cms.;

(27) lumbar region, left, antero-lateral aspect, 2.0 cms., oriented vertically, directed backwards, downwards and medially, non-perforating, with approximate depth, 4.0 cms.;

(28) to (30) multiple, forearm, right lateral aspect, 2.0 cms.; 1.5 cms. and 1.0 cm., non-perforating, with average depth, 2.0 cms.;

(31) arm, left, middle thirds, lateral aspect, 1.5 cms., non-perforating, with approximate depth, 3.5 cms.;

(32) forearm, left, upper thirds, lateral aspect, 2.0 cms., non-perforating, with approximate depth, 4.0 cms.;

(33) forearm, left, middle thirds, lateral aspect; 2.0 cms., non-perforating, with approximate depth, 7.0 cms.

Emothox, bilateral, 1,500 cc.

Hemoporicardium, 50 cc.

Brain and other visceral organs, pale.

Stomach, 1/2 filled with partly digested rice and food materials.'

while then unarmed and unable to defend himself from the attack(ed) launched by the accused, as a result of which the said Pedro Langaoen died instantly.

"That the offense when committed by the accused was attended by the qualifying circumstance of treachery.

"That the accused Maximo Simeon, Louis Mednatt, Ruben Miranda, Alfonso Ballesteros, Antonio Maceda, Alberto Gabion are all recidivists having been previously convicted by final judgment of crimes embraced in the same title of the Revised Penal Code." (pp. 2-5, rec.).

In the three separate judgments dictated and promulgated respectively on April 29 and 30 as well as on May 19, 1971, the trial judge stated that the defendants were all assisted by de officio counsel, Attys. Jose O. Galvan and Amado F. Nera, and were all apprised of the consequences of their plea of guilty by the trial judge, who also explained to them the provisions of Article 160 in relation to Article 248 of the Revised Penal Code.

Atty. Joaquin L. Misa, as counsel de officio on appeal, in his well-written brief, bewails with justification the omissions of the trial judge and challenges the validity of the decisions while impugning the constitutionality of the death penalty.

Atty. Misa, in expressing deep concern for the rights and fate of the herein nine appellants, points out that the record does not show when the two counsels de officio were appointed and how much time they had to acquaint themselves with this very serious case. It is fair to assume that, as is usual with indigent defendants in criminal cases, the said counsels de officio were appointed by the judge from among the lawyers waiting for their cases to

be heard on the day of the arraignment. While this practice may be justified in less serious crimes, in capital offenses, the same in effect deprives the accused of his constitutional right to counsel and of his life without due process of law. In a few minutes interview right in the courtroom with their counsels, the defendants who are well-nigh illiterates, could not give their last-minute court appointed counsel an inkling of their defenses. A counsel de officio should be given the time and opportunity to directly investigate the facts of the case at the scene of the crime to enable him to raise good and substantial defenses that may result in the mitigation of the offense, if not acquittal of the defendants. If the counsels de officio in this case were given such a reasonable period of time and opportunity to go to the New Bilibid Prisons, where the crime was allegedly committed, they would have acquainted themselves with the oppressive as well as explosive condition in a brigade where the ten accused herein were packed along with hundreds of convicts lying on the concrete floor because of lack of beds and lack of space. The New Bilibid Prisons is so jam-packed with about 10,000 prisoners, built as it was for only 2,000. Medium and maximum security prisoners have no separate cells and are mixed with the minimum security convicts. The ten defendants were serving merely terms of imprisonment when the crime was allegedly committed. Able advocate stressed further that the counsels de officio designated by the trial court had virtually only few minutes to advise appellants herein, more pre-occupied as they were with the cases of their paying clients for which they were in court that day of the arraignment of the accused. He further recalled that the crowded brigades or cells had been reduced into animal packs by the miserable conditions in prison, resulting in the death of many convicts.

Consequently, Atty. Misa prays that the three judgments of the lower court in this case be set aside and all defendants be acquitted or at least that further proceedings be held for the reception of evidence for the defendants, or that the death penalty imposed be reduced to a lesser penalty.

On the other hand, the Solicitor General prays that the three separate sentences subject of review be vacated and the case be remanded for further proceedings; because

“(a) There is nothing which will indicate the age, occupation and other facts about the accused which could guide this Honorable Supreme Court in determining whether the accused acted with discernment in pleading guilty;

“(b) There was no attempt made to explain to the accused the nature and consequence of the qualifying and aggravating circumstances alleged in the Information;

“(c) In the cases of accused Louis Mednatt, Inocentes de Luna, Ruben Miranda, Alfonso Ballesteros, Rudolfo Suarez, Manuel Manalo and Alberto Gabion, the trial judge merely informed them that they would be meted the 'maximum penalty' as a consequence of their plea of guilty. This is a technical term hardly understandable to the accused.” (Pp. 138-139, rec.).

The Solicitor General recounted what transpired in the proceedings below, thus:

"On April 29, 1971 all the accused (except Brill) assisted by counsel de officio, were arraigned. Accused Louis Mednatt, Inocentes de Luna, Ruben Miranda, Alfonso Ballesteros, Rudolfo Suarez, Manuel Manalo and Alberto Gabion pleaded guilty, while Maximo Simeon pleaded not guilty. The trial judge warned the accused of the consequence of their plea of guilty as follows:

"COURT

"Q Are you aware of the consequence of your act of pleading guilty that you will be sentenced in accordance with Article 160 of the Revised Penal Code to the effect that you will be sentenced to the maximum penalty prescribed by law in accordance with the charge of murder?

"LUIS MEDNATT:

"Yes, your Honor.

"INOCENTES DE LUNA:

"Yes, your Honor.

"RUBEN MIRANDA:

"Yes, your Honor.

"ALFONSO BALLESTEROS:

"Yes, your Honor.

"RUDOLFO SUAREZ:

"Yes, your Honor.

"MANUEL MANALO:

"Yes, your Honor.

"ALBERTO GABION:

"Yes, your Honor.

"Q Notwithstanding that the maximum penalty will be imposed upon you you are still pleading guilty, as defined in Article 248?

"LUIS MEDNATT:

"Yes, your Honor.

"INOCENTES DE LUNA:

"Yes, your Honor.

"RUBEN MIRANDA:

"Yes, your Honor.

"ALFONSO BALLESTEROS:

"Yes, your Honor.

"RUDOLFO SUAREZ:

"Yes, your Honor.

"MANUEL MANALO:

"Yes, your Honor.

"ALBERTO GABION:

"Yes, your Honor.

"(At this juncture, the Court promulgated the sentence against all the above-mentioned accused)

"Thereafter, the trial judge imposed the following sentence to the accused:

"WHEREFORE, finding the accused, namely, Louis Mednatt, Inocentes de Luna, Ruben Miranda, Alfonso

Ballesteros, Rudolfo Suarez, Manuel Manalo and Alberto Gabion all GUILTY, beyond reasonable doubt of the crime of Murder, as defined in Article 248 of the Revised Penal Code, as charged in the Information, the Court hereby sentences each one of them to suffer the penalty of DEATH; to indemnify the heirs of the offended party, Pedro Langaoen, the amount of P12,000; to pay the amount of P50,000.00 as moral damages plus P50,000.00 as exemplary damages, jointly and severally; and to pay the costs.

"(3) On April 30, 1971 accused Maximo Simeon, assisted by counsel de oficio, withdrew his plea of not guilty to guilty. Again, the trial judge gave him the following admonition:

"COURT

"Are you aware that by withdrawing your plea of not guilty the Court has no alternative except to impose the death penalty upon you?

"MAXIMO SIMEON

"Yes, your Honor.

"COURT

"I am giving you still one hour to have a soul-searching, after which, I will pronounce the judgment. But bear in mind that the Court has no other alternative except to impose the death penalty. (The accused, at this moment, refused to have a soul searching and he voluntarily informed the Court that he is entering a plea of guilty in spite of the fact that the Court apprised him of the consequence of his entering a plea of guilty)

"(At this juncture, the Court promulgated the sentence against the accused Maximo Simeon after the latter having pleaded guilty)

"Thereafter, the trial judge sentenced Maximo Simeon as follows:

"WHEREFORE, finding the accused MAXIMO SIMEON GUILTY, beyond reasonable doubt, of the crime of murder, as defined in Article 248 of the Revised Penal Code as charged in the information, the Court hereby sentences him to suffer the penalty of DEATH; to indemnify the heirs of the offended party, Pedro Langaoen the amount of P12,000.00; to pay the amount of P50,000.00 as moral damages; plus P50,000.00 as exemplary damages, jointly and severally, with the other accused who were previously sentenced by this Court; and to pay the costs.

"(4) On May 19, 1971 accused Rafael Brill, assisted by counsel de oficio, Atty. Amado F. Nera, was arraigned and pleaded guilty to the charge of murder. The following proceedings took place:

"ATTY. NERA

"After I have conferred with the accused your Honor and informed him of the contents of the information and the gravity of the offense charged against him, he is willing to enter a plea of guilty.

"COURT

"Arraign the accused.

"(The interpreter reading the information to the accused in the language understandable to him)

"INTERPRETER:

"What is your plea?

"RAFAEL BRILL:

"Guilty, your Honor.

"COURT

"Are you aware of the fact that by pleading guilty there is no other alternative for the Court except to impose death penalty?

"RAFAEL BRILL:

"Yes, your Honor.

"COURT

"I am giving you one hour to make a soul searching of your mind, body and heart but I am reminding you of Article 160 of the Revised Penal Code, wherein the Court shall impose death penalty.

"COURT

"Did you do what I asked you to do?

"RAFAEL BRILL:

"Yes, your honor.

"COURT

"Notwithstanding that you still insist on pleading guilty after you were informed that the Court has no alternative under the law except to impose the death penalty?

"ACCUSED:

"Yes, your Honor.

"Thereafter, the trial judge imposed the following sentence to the accused:

"WHEREFORE, finding the accused, RAFAEL BRILL, guilty beyond reasonable doubt, of the crime of Murder, as defined in Article 248 of the Revised Penal Code, as charged in the information, the Court hereby sentences him to suffer the penalty of Death; to indemnify the heirs of the offended party, Pedro Langaoen, the amount of P12,000.00; to pay the amount of P50,000.00 as moral damages; plus P50,000.00 as exemplary damages, jointly and severally with the other accused who were previously sentenced by this Court; and to pay the costs." (Pp. 134-138, rec.).

Because it is patent that the trial judge did not accord full recognition to the constitutional rights of the accused to be fully informed of the charge against them and of the consequence of their plea of guilty to such a most serious crime, which may result in the forfeiture of their lives, WE have no alternative but to vacate the three sentences herein rendered by the trial judge and to remand this case for further proceedings to afford to the 'defendants full opportunity to comprehend the accusation against them, the import of their plea of guilty as well as to grant them the chance to interpose all possible defenses or mitigating circumstances in their favor, as prayed for by both counsel de officio and the Solicitor General.

The last reminder as to the duties of the trial judge in situations like the case at bar was enunciated last September 8, 1972 by no less than Chief Justice Roberto Concepcion in *People vs. Jaime Baylosis, et. al.*, thus:

"To be sure, it does not appear with precision from the record before Us, that the defendants had understood clearly and fully the allegations of the above-quoted information and the implications of their plea of guilty thereto. Indeed, when His Honor, the Trial Judge, first asked the accused whether they were willing to plead guilty to the charge against them, defendant Espidito Rumago answered in the affirmative, but added that 'he did not do it intentionally.' It is true that this explanation of Rumago impelled the Trial Judge to state that the

plea of guilty must be unconditional, and that upon translation of said statement, Rumago declared that he was willing to plead guilty, which he and his co-defendant Jaime Baylosis did immediately thereafter. Yet, considering the paucity of the record before Us, We are not satisfied that the defendants had a good grasp of the meaning of the allegations in the information against them, as well as of the full import of their plea of guilty, and that the Trial Judge was, justified in not adhering to the established, practice of taking some evidence to be sure, not only that the accused had committed the crime charged in the manner and under the conditions stated in the information, but, also that the Supreme Court, in the exercise of its duty to review automatically decisions imposing the death penalty, would have sufficient data on record to be reasonably certain about the propriety of the imposition of said penalty, as indicated in the cases above-mentioned, as well as in U.S. vs. Talbanos, U.S. vs. Rota, and People vs. Bulaklak, among others."

The desire to speed up the disposition of cases, should not be effected at the sacrifice of the basic rights of the accused.

The court a quo cannot plead ignorance of the injunction directed towards trial judges to exercise the patience and circumspection in explaining the meaning of the accusation and the full import of the plea of guilty to the accused, who should likewise be granted all the chances to acquaint his counsel de officio with his version of the incident and to conduct his own investigation at the locale of the crime as much as practicable, more than just examining the records of the case. This Court in numerous cases as early as October 29, 1906 in U.S. vs. Talbanos[1] enunciated that "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 establishing the guilt and the degree of culpability of the defendant." [2] This was reiterated over a year later on December 21, 1907 in U.S. vs. Rota, et. al.[3] wherein this Court added that "in all cases, and especially in cases where the punishment to be inflicted is severe, 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." [4]

Again on March 31, 1915 in U.S. vs. Agcaoili,[5] WE ruled that when the information charges a capital offense, the possibility of misunderstanding or mistake in so grave a matter justifies and in most instances requires the taking of such available evidence in support of the allegations of the information as the trial judge may deem necessary to remove all reasonable possibility that the accused might have entered his plea of guilty improvidently, or without a clear and precise understanding of its meaning and effect.[6]

And WE reiterated in People vs. Bulalake[7] that "it would seem proper and prudent where the accused enters a plea of guilty to a capital offense, especially when he is ignorant with little or no education, (is) to take testimony not only to satisfy the trial judge himself but to aid the Supreme Court in determining whether the accused really and directly understood and comprehended the meaning, full significance and consequences of his plea." [8]

In People vs. Arpa, et. al.,[9] WE added likewise that the age, education or lack thereof of the accused are factors, to determine his ability to understand the information against him, the import of his plea of guilty and the proper penalty to be imposed.

The 1971 and 1972 cases also emphasize this duty on the part of the trial court that, since the guilt of the accused must be demonstrated beyond reasonable doubt, notwithstanding his plea of guilty to a capital offense, there must be a clear and categorical showing that it was his intention to acknowledge his guilt.[10]

As aforestated, the record shows that the trial court failed to comply with its duty in this regard.

WE hasten to add that in the performance of his duty in cases of this nature; the trial judge should give ample opportunity to the counsel de officio to examine not only the records of the case but also the scene of the crime as well as to confer with the accused lengthily so that he can properly, intelligently and fully represent and defend

the interest of the accused.

WHEREFORE, the three decisions dated April 29, April 30, and May 19, 1972 of the lower court in this case are hereby set aside and this case is hereby remanded thereto for further proceedings in conformity with law. Without costs.

Concepcion, C.J., Zaldivar, Castro, Fernando, Teehankee, Barredo, Antonio, and Esguerra, JJ., concur.

Makalintal, J., took no part.

[1] 6 Phil. 541, 543.

[2] p. 543.

[3] 9 Phil. 426, 431.

[4] p. 432.

[5] 31 Phil. 91.

[6] pp. 93-94.

[7] 106 Phil. 767, Dec. 28, 1959.

[8] p. 770.

[9] L-26787, Apr. 25, 1969.

[10] People vs. Estebia, L-26868, July 29, 1971, People vs. Esteves, L-34811, Aug. 22, 1972.

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