

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS.
ANGELITO MATIAS, ET AL., DEFENDANTS, ANGELITO MATIAS AND
AGUSTIN DESCALSO, DEFENDANTS AND APPELLANTS.**

G.R. No. L-35384. November 28, 1972

Ponente: CONCEPCION, C.J.

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CONCEPCION, C.J.:

This case is before the Court for automatic review of a decision of the Court of First Instance of Davao del Norte convicting defendants Angelito Matias and Agustin Descalso of the crime of murder and sentencing them to the extreme penalty, with the corresponding accessory penalties, to indemnify the heirs of Hilario Luzano in the sum of P12,000, and to pay the costs.

It is alleged in the information herein that said defendants and one Manuel Armobit, who has not been apprehended, as yet, have committed the crime of murder, in –

"That on or about October 14, 1971, in the Municipality of Sto. Tomas, Province of Davao del Norte, Philippines, and within the jurisdiction of this Court, the above-mentioned accused, with treachery and evident premeditation, with intent to kill and armed with a dagger, conspiring and confederating with Manuel Armobit who is still at large and mutually helping with one another, did then and there willfully, unlawfully and feloniously attack, assault and stab one HILARIO LUZANO, thereby inflicting upon him wounds which caused his death and further causing actual, moral and compensatory damage to the offended party or parties or heirs of the victim.

"That commission of the foregoing offense is attended by the aggravating circumstances of recidivism with respect to accused Angelito Matias."

The record shows that when the case was called for arraignment and trial, on June 8, 1972, the following proceedings took place:

"INTERPRETER:

(Calling the case) – Crim. Case No. 653, The People of the Philippines versus Angelito Matias, Angelito Descalso and Manuel Armobit, for Murder – for Arraignment.

"COURT:

Appearances.

"FISCAL CASIA:

Appearing for the prosecution, Your Honor.

"ATTY. PANGILAN:

Respectfully appearing for the accused, Your Honor, as counsel de oficio.

The accused are ready for arraignment, Your Honor.

"COURT:

(To the Interpreter) – Arraign the accused. (Accused Angelito Matias and Agustin Descalso were arraigned.)

"INTERPRETER:

The accused, Your Honor pleaded guilty.

"ATTY. PANGILAN:

The accused, Your Honor, through counsel, invoked the mitigating circumstance of spontaneous plea of guilty.

"COURT:

What is the recommendation of the Fiscal?

"FISCAL CASIA:

If Your Honor please. At the time of the commission of Murder, Your Honor, the two accused were serving sentence by virtue of the final judgment which was imposed upon them. There is, therefore, Your Honor, the presence of the special aggravating circumstance of quasi-recidivism under Article 160 of the Revised Penal Code. Under this provision of the Revised Penal Code, the accused should be imposed (sentenced to) the maximum of the penalty and the special aggravating circumstance cannot be offset by any mitigating circumstance.

In view of this, Your Honor, I am respectfully recommending the death penalty on each of the two accused. The penalty of Murder is from reclusion temporal in its maximum period to death, Your Honor.

"COURT:

The decision is reserved, to give the Court an opportunity to study the penalty to be imposed on the accused. However, it is observed that there is no allegation in the information that the crime was committed while the two accused were still serving sentence by virtue of a final judgment, and if that is so alleged in the information, in accordance with Article 160 of the Revised Penal Code, the maximum penalty should, therefore, be imposed. Unfortunately, the Information fails to allege that, and, therefore, the Court cannot take that into consideration."

Thereafter, or on June 22, 1972, the lower court rendered the appealed decision stating that, on October 14, 1971, said defendants were prisoners in the Kapalong Sub-Colony, Davao Penal Colony, together with another prisoner, their co-accused Manuel Armobit, who managed to escape and is still at large; that they met Hilario Luzano, a prisoner trustee, somewhere within the penal colony; that Armobit, who seemed to have a grudge against Luzano, began to assault him with a knife; that, according to an affidavit of defendant Angelito Matias, his co-defendant Agustin Descalso helped Armobit by smashing the face of Luzano with a stone; that, according to an affidavit of Descalso, it was not he, but Matias, who, together with Armobit, stabbed Luzano several times; that, in fact, the dead body of Luzano, with several fatal stab wounds, was found in a banana plantation; that the three (3) prisoners escaped from the compound after the commission of the crime; and that Matias and Descalso were recaptured in Davao City on October 16, 1971.

It would seem that the foregoing statement of facts by His Honor, the Trial Judge, was based upon the affidavits of defendants Matias and Descalso, attached to the record of the case. The lower court, likewise, adverted to the fact that, although the complaint filed by the prison authorities with the municipal court of Sto. Tomas, Davao del Norte, alleged that the defendants had committed the crime charged while serving sentence by virtue of a final

judgment, aside from acting with treachery and taking advantage of superior strength, as well as with evident premeditation, the information failed to mention the first circumstance and merely alleged recidivism, insofar only as Matias is concerned.

Said court, likewise, took into account the prison records of the accused, which, according to the decision aforementioned, showed the following:

“1. Angelito Matias, convicted by the Court of First Instance of Bataan and Davao del Norte of the crime of Robbery with Violence and Evasion of Service of Sentence in Criminal Cases Nos. 6019 and 10928, respectively, and was sentenced to suffer a prison term of from One (1) year, Seven (7) months and Sixteen (16) days to Four (4) years, Two (2) months and One (1) day, and another definite prison term of Two (2) years, Four (4) months and One (1) day, commencing on August 18, 1966.

“2. Agustin Descalso, convicted by the Court of First Instance of Manila and Rizal of the crime of Homicide, Murder, and Double Frustrated Murder in Criminal Cases Nos. 88852, 88851, 35640, and 14011 and was sentenced to an aggregate Ten (10) years, Four (4) months and One (1) day to Twenty-Two (22) years, Eight (8) months and Two (2) days with P3,500.00 indemnity; another prison term of Reclusion Perpetua with P6,000.00 indemnity; and another prison term of from Six (6) years and One (1) day to Fourteen (14) years, Eight (8) months and One (1) day with P7,000.00 indemnity, commencing on December 8, 1961.”

In a manifestation filed by the Solicitor General, on November 14, 1972, said official recommended that the decision aforementioned be set aside and that the case be remanded to the lower court for new trial, upon the authority of several decisions of this Court,[1] there being nothing in the record to indicate that the meaning of the charges preferred against the defendants had been adequately explained to them and that they were reasonably posted on the import of the plea of guilty entered by them. Said official, likewise, pointed out the fact that the aforementioned affidavits and prison records of the defendants had not been offered, much less admitted, in evidence against them. Yet, they were considered in the imposition of the penalty above referred to.

Said recommendation of the Solicitor General is well-taken. As We had occasion to point out recently:[2]

x x x it does not appear x x x from the record x x x that the defendants had understood clearly and fully the allegations of the above-quoted information and the implications of their plea of guilty thereto. * * 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 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. x x x.”

WHEREFORE, the decision of the trial court should be, as it is hereby set aside, and the case remanded thereto for further proceedings, in accordance with law and consistently with the views herein expressed, without special pronouncement as to costs. It is so ordered.

Makalintal, Zaldivar, Castro, Fernando, Teehankee, Barredo, Makasiar, Antonio, and Esguerra, JJ., concur.

[1] People vs. Apduhan, L-19491, Aug. 30, 1968; People vs. Flores, L-32692, July 30, 1971 citing People vs. Solacito, L-29209, Aug. 25, 1969; US vs. Talbanos, 6 Phil 541; US vs. Rota, 9 Phil. 426; US vs. Agcaoili, 31 Phil. 91; People vs. Estebia, L-26868, July 29, 1971, citing People vs. Bulalake, 106 Phil. 770; and People vs. Espina, L-33028, June 30, 1972.

[2] People vs. Baylosis, L-34014, Sept. 8, 1972.

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