

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
REMEGIO ESTEBIA, DEFENDANT-APPELLANT.***G.R. No. L-26868. July 29, 1971*

Ponente: FERNANDO, J.

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What is before this Court is the automatic review of a lower court decision convicting the accused and sentencing him to death. Its correctness is to be tested in the light of the principal contention that the plea of guilt of the accused under the circumstances disclosed did not suffice for the lower court's judgment of conviction. There is, as will hereafter be made evident, justification for such a stand as a reading of the transcript would indicate that there were positive and categorical statements denying culpability by the accused in the course of answering questions asked by the lower court. Accordingly, the conviction should be reversed and the case remanded.

The information under which the accused was arraigned reads as follows: "That on or about the 7th day of June, 1966, in the afternoon, in Bo. Gobarogwan, Municipality of Mondragon, Samar, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, actuated by lust and with lewd designs and by means of force and intimidation, and with the use of deadly weapon locally known as 'depang', did then and there, wilfully, unlawfully and feloniously have carnal knowledge with Felisa Buenaobra, 26 years old, an unmarried woman of good reputation, against the will and consent of the latter. That in the commission of the crime, the following aggravating circumstances were present: (1) in an uninhabited place; and (2) recidivism, the accused having been convicted by final judgment before the Honorable Court of First Instance, Branch IV, Catarman Samar, in Criminal Case No. C-445 for Forcible Abduction, on May 18, 1959, convicting the accused to suffer an indeterminate penalty ranging from Six (6) years and One (1) day of prison mayor as minimum to Twelve (12) years and one (1) day of reclusion temporal as maximum and to indemnify the offended party in the amount of P500.00 and to pay the costs." This information filed by an assistant provincial fiscal on August 26, 1966 arose from a complaint for rape against the accused by the offended party, Felisa Buenaobra, dated June 21, 1966.

The arraignment was held on August 26, 1966 in the Court of First Instance of Samar, Branch IV then presided by Judge Manuel R. Pamaran. The accused was represented by an attorney de oficio, Gabriel de Guia. After the counsel de oficio stated that the accused would want to enter a plea of guilty, the lower court twice asked him whether such was the case, after informing him that the penalty imposed could be death. Twice the accused answered in the affirmative.[1] He was then informed by the presiding judge that in order to give him enough time to deliberate maturely on such a grave matter, he was given up to 2:00 o'clock that afternoon. Accordingly, when the session was resumed, he was asked "what is his stand now?" This was the reply of his lawyer: "Upon arrival, this representation inquired from the accused, after having been duly informed by the Court of the effect of the plea of guilty, and he still makes his decision to proceed with his plea of guilty as stated this morning to this Court." [2] When the accused was asked directly whether such manifestation of the lawyer was true, the accused categorically affirmed: "Yes, sir." [3] Then, through the court interpreter, this question was put to him: "Are you guilty or not?" The answer: "Guilty." [4]

Thus far, it would seem that the accused did really intend to enter such a plea, but what transpired in the subsequent questioning would, at the very least, raise doubts on the matter. The court wanted to find out why he entered the plea of guilty. This was his response: "To be candid, sir, I would have not entered the plea of guilty." [5] When the question was repeated, he answered: "Because I already asked the woman to marry her. What was lacking was our marriage." [6] Again, when queried as to his plea of guilt, he spoke of the real reason, which was not an admission of culpability: "Because I cannot do anything, sir, because I cannot fight this case as I am very poor." [7] He was given the opportunity to elaborate by the court stating that he would be furnished counsel de oficio. What came from him in effect was a denial that the crime of rape was committed: "To tell the truth also, sir, in this case when it happened it is not true that I raped her. We were at that time going to town to buy our necessities. It so happened that my supposed brother-in-law, a younger brother of the woman, desires that another person marry her. As a matter of fact, I was even wounded. The first slash blow I received was this one. (Witness showing a scar extending one finger at the lower left scapula and about 1 centimeter wide)." [8] When pressed further why he had to plead guilty, if what he said was true, he had an explanation: "Because I had already a previous case, and I believe that the government will still prosecute me." [9] The lower court, desirous of further clarification, informed the accused that he could reconsider his plea and that he would be given a lawyer so that he would have a fair trial. All that was said in reply was: "I submit myself to the discretion of the Court." [10] When pressed to be specific on the matter, he categorically stated: "I would desire not to plead guilty in this case if I have the funds or money to pay for this." [11] There would still, however, appear to be some slight confusion in the mind of the accused, for when reminded that he did not have to pay a single centavo, he surprisingly came out with the statement that "he would plead guilty to the charge." [12] At that stage, he was reminded again that the penalty imposed would be death. [13]

Then and there, in open court, the decision now on review was rendered, with the accused sentenced to death, the crime being one of rape with the use of a deadly weapon, attended by the two aggravating circumstances of uninhabited place and recidivism, which was offset by the mitigating circumstance of a plea of guilty. This Court, as announced, is of a different mind. The plea, considering the totality of the replies made by the accused to the questions propounded by the lower court, could not in law be said to be one of guilt. The conviction cannot stand.

1. The principal error assigned, as set forth in the very able brief of counsel de oficio, Atty. Gonzalo W. Gonzalez, is that the lower court did not fully inform the accused of the consequences of a plea of guilt. In a recent opinion promulgated a year ago, [14] this Court speaking through Justice Dizon, there is this timely reminder to trial judges as to the course of conduct to be followed whenever an accused in a capital offense enters such a plea. Thus: "We have gone over the record and We find that the motion for new trial mentioned heretofore is justified. The present being one for murder for which the defendant was sentenced to suffer the maximum penalty of death, We find it proper to invite the attention of the court a quo and of all trial courts in general to what We said in *People v. Apduhan*, G. R. L-19491, August 30, 1968 and *People v. Solacito*, G. R. L-29209, August 25, 1969 on the matter of what the trial court should do upon arraignment of a defendant charged with a capital offense, before he is allowed to enter a plea of guilty." [15]

In *People v. Apduhan*, [16] Justice Castro, for the Court, did properly stress the need for such care and circumspection in these words: "Even as we purge the decision under review of its errors, we must hasten to commend the trial judge, the Hon. Hipolito Alo, for his earnest and patient efforts to forestall the entry of an improvident plea of guilty by the accused Apduhan, notwithstanding that the latter was already represented by a counsel de oficio and hence presumed to have been advised properly. Judge Alo made sure that the accused clearly and fully understood the seriousness of the offense charged and the severity of the penalty attached to it. When the accused proposed to confess his guilt, Judge Alo repeatedly warned him that the death penalty might be imposed despite his plea of guilty. As aforementioned, when it appeared that Apduhan's plea of guilty was

ambiguous, Judge Alo reopened the case to determine with definitiveness the nature of his plea. The virtue of Judge Alo's efforts in ascertaining whether Apduhan pleaded guilty with full knowledge of the significance and consequences of his act, recommends itself to all trial judges who must 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."^[17] In *People v. Solacito*,^[18] there is this realistic appraisal of the matter by the Chief Justice: "No comparable assurance is imparted by defendant's affirmative answer to the questions propounded by the lower court 'whether he understands the meaning of a plea of guilty and whether he is admitting all the material averments in the information.' The questions were, apparently, 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."^[19]

There is, in addition, this equally relevant excerpt from *People v. Arpa*,^[20] where Justice Teehankee, as ponente, after referring to the early cases of *United States v. Talbanos*^[21] and *United States v. Rota*,^[22] quoted with approval this excerpt from *People v. Bulalake*:^[23] "It is of course true that the taking of such evidence is a matter left to the discretion of the trial court. Nevertheless, inasmuch as judgments of conviction imposing the extreme penalty of death are subject to review by the Supreme Court as law and justice shall dictate, whether the defendant appeals or not, which automatic review neither the Court nor the accused could waive or evade, it would seem that the proper and prudent course to follow where the accused enters a plea of 'guilty' to capital offenses specially where he is an ignorant person 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 truly understood and comprehended the meaning, full significance and consequences of his plea."^[24] Tested by such authoritative pronouncements, it would appear that the lower court, while not lacking in awareness of the proper procedure to be followed in the event that the plea of the accused is one of guilt, ought, in the light of the answers made, to have called to the stand witnesses to ascertain exactly what did really transpire.

2. In that sense, the principal error assigned is not without basis. Moreover, precisely because of the line of questioning pursued, the answers elicited from the accused did cast enough doubt as to his intention to accept culpability. There were explicit statements made that cannot be interpreted as other than a denial that he was liable for the crime of rape imputed to him. It has been the constant, uninterrupted holding of this Court from *United States v. Dineros*^[25] that the essence of such a plea "is that the accused, on arraignment, admits his guilt, freely, voluntarily, and with a full knowledge of the consequences and the meaning of his act."^[26] As further elaborated by Justice Carson, who likewise penned the opinion in the subsequent case of *United States v. Jamad*:^[27] "The effect of that ruling is to make it clear that the doctrine just referred to is not applicable unless the plea of 'guilty' is in truth and in fact made under the conditions indicated, that is to say on arraignment, freely and voluntarily, as an express admission of the guilt of the accused of the offense with which he is charged, and with full knowledge of the consequences and the meaning of his act. A mere formal plea of 'guilty' made under compulsion, or under any condition other than those just indicated will not suffice."^[28]

There is need, then, for such a categorical declaration by the accused that he is guilty of the crime charged, one made with full knowledge of the consequences that such an admission would entail. The plea entered in this case was not impressed with such an attribute. To so construe the statements of the accused, characterized by inconsistencies and express disclaimers of guilt, as amounting to an acknowledgment of criminal liability, would be to disregard what has so long and so constantly been adhered to.^[29] There is force in the observation that the Constitution cannot be satisfied with anything less.^[30] It presumes the innocence of the accused; it is imperative

then that the fact of guilt be demonstrated by competent and credible evidence beyond reasonable doubt. The accused could, of course, dispense with the need of proof by the express admission at his arraignment that he is guilty of the offense charged. There must be a clear and categorical showing, though, that such indeed was his intention. The plea of guilt must be unequivocal. It must not give rise to contrary interpretations. Unfortunately, that is what happened in this case. The lower court should not have been satisfied that the accused did in fact plead guilty. Thus, his judgment of conviction cannot stand.

3. With the conclusion thus reached, there is no need to pass upon the other three errors assigned by the accused to the effect that the lower court should not have appreciated the aggravating circumstance of uninhabited place, should not have imposed the death penalty, and should not have considered the plea of guilt as an admission of the allegations in the amended information.

WHEREFORE, the decision of the lower court of August 26, 1966, convicting the accused of the crime of rape with the use of a deadly weapon and sentencing him to death, is set aside, and the case remanded to it for further proceedings in conformity with law. Without pronouncement as to costs.

Concepcion, C.J., Reyes, J.B.L., Makalintal, Zaldivar, Teehankee, Barredo, Villamor, and Makasiar, JJ., concur.
Dizon and Ruiz Castro, JJ., on official leave.

[1] T.s.n., Session of August 26, 1966, p. 2.

[2] Ibid, p. 3.

[3] Ibid, p. 4.

[4] Ibid.

[5] Ibid, p. 5.

[6] Ibid.

[7] Ibid.

[8] Ibid.

[9] Ibid.

[10] Ibid, p. 6.

[11] Ibid.

[12] Ibid.

[13] Ibid, p. 7.

[14] People v. Englatera, L-30820, July 31, 1970, 34 SCRA 245.

[15] Ibid, p. 251.

[16] L-19491, Aug. 30, 1968, 24 SCRA 798. The following cases either explicitly or implicitly followed the Apduhan doctrine: People v. Villas, L-20953, April 21, 1969, 27 SCRA 947; People v. Arpa, L-26789, April 25, 1969, 27 SCRA 1037; People v. Mongado, L-24877, June 30, 1969, 28 SCRA 642; People v. Nabual, L-27758, July 14, 1969, 28 SCRA 747; People v. Solacito, L-29209, Aug. 25, 1969, 29 SCRA 61; People v. Serafica, L-29092, Aug. 28, 1969, 29 SCRA 123; People v. Tilos, L-27151, Nov. 29, 1969, 30 SCRA 734; Longao v.

Fakat, L-23978, Dec. 27, 1969, 30 SCRA 866; People v. Englatera, L-30820, July 31, 1970, 34 SCRA 245; People v. Espejo, L-27708, Dec. 19, 1970, 36 SCRA 400.

[17] Ibid, p. 817.

[18] L-29209, Aug. 25, 1969, 29 SCRA 61.

[19] Ibid, pp. 67-68.

[20] L-26789, April 25, 1969, 27 SCRA 1037.

[21] 6 Phil. 541 (1906).

[22] 9 Phil. 426 (1907).

[23] 106 Phil. 767 (1959).

[24] Ibid, p. 770.

[25] 18 Phil. 566 (1911).

[26] Ibid, p. 572.

[27] 37 Phil. 305 (1917).

[28] Ibid, p. 313.

[29] In addition to the cases cited above, the following decisions come to mind: People v. Zulueta, 78 Phil. 413 (1947); People v. Ng Pek, 81 Phil. 562 (1948); People v. Serrano, 85 Phil. 835 (1950); People v. Santa Rosa, 88 Phil. 487 (1951); People v. Villasco, 90 Phil. 512 (1951); Cadimas v. Director of Prisons, 97 Phil. 697 (1955); People v. Acosta, 98 Phil. 642 (1956); People v. Triampo, 100 Phil. 83 (1956); People v. Rapirap, 102 Phil. 863 (1958); People v. Lambino, 103 Phil. 504 (1958); People v. Santos, 105 Phil. 40 (1959); People v. Salazar, 106 Phil. 221 (1959); People v. Bulalake, 106 Phil. 767 (1959); People v. Remollino, 109 Phil. 607 (1960); People v. Arconado, L-16175, Feb. 28, 1962, 4 SCRA 559; People v. Tenorio, L-15478, March 30, 1962, 4 SCRA 700; People v. Boyles, L-15308, May 29, 1964, 11 SCRA 88; People v. Sta. Maria, L-19929, Oct. 30, 1965, 15 SCRA 222; People v. Coronel, L-19091, June 30, 1966, 17 SCRA 509; People v. Balisacan, L-26376, Aug. 31, 1966, 17 SCRA 1119; People v. Halasan, L-21495, July 21, 1967, 20 SCRA 701; People v. Roldan, L-22030, May 29, 1968, 23 SCRA 907.

[30] According to Art. III, Sec. 1, par. 17; "In all criminal prosecutions, the accused shall be presumed to be innocent until the contrary is proved, * * *."

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