

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. DANILO VILLAFUERTE, ANTONIO LILA AND NICOMEDES BAGAPURO, DEFENDANTS AND APPELLANTS.

G.R. NO. L-32037. March 28, 1974

Ponente: CASTRO, J.

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CASTRO, J.:

Danilo Villafuerte, Antonio Lila and Nicomedes Bagapuro were indicted for murder in criminal case R-44 of the Court of First Instance of Occidental Mindoro, upon an information which recites:

"That on or about the 29th day of October, 1969, at around 10:30 in the morning, at Sitio Manamlay, Barrio Pag-asa, Municipality of Sablayan, Province of Occidental Mindoro, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused together with Danilo Garcia who is still at large, conspiring and confederating together and helping one another, and armed with boloes, did then and there willfully, unlawfully and feloniously, with intent to kill and treachery, attack, assault, and strike Sublin Mangyan with said boloes, thereby inflicting upon said Sublin Mangyan mortal wounds on different parts of the body which had been the cause of his instantaneous death.

"That accused Danilo Villafuerte is a recidivist, he having been previously convicted by final judgment of the crime of frustrated murder, a crime embraced in the same title of the Revised Penal Code, that is, crimes against persons under which the present charge is covered, and likewise a quasi-recidivist, considering that at the time of the commission of the crime charged he was then still serving the penalty for the aforesaid crime of frustrated murder of which he had as aforesaid been previously convicted by final judgment; while accused Antonio Lila and Nicomedes Bagapuro are likewise both quasi-recidivists, they having been both previously convicted by final judgment of the crime of robbery and still serving their respective penalties for said crime of robbery at the time of the commission of the crime charged."

Upon their arraignment on April 20, 1970, the defendants pleaded guilty to the crime charged. On the following day, April 21, the trial court sentenced all the three defendants to death and ordered them to indemnify the heirs of their victim, jointly and severally, in the sum of P12,000, and to pay their proportionate shares of the costs.

This case is now with us on automatic appeal.

The late Constitutional Convention Delegate E. Voltaire Garcia II, whom we appointed counsel de oficio for the defendants, in the brief filed by him on December 21, 1970, faults the decision of the trial court mainly on the ground that the said court did not satisfy itself, beyond accepting on face value the curt admission of guilt by the defendants, as to the true extent of the latter's criminal culpability.

The Solicitor General, counsel for the People of the Philippines, is likewise not satisfied with the proceeding taken by the trial court in the arraignment of the defendants. The said proceeding is hereunder reproduced in its entirety:

"CLERK OF COURT. The accused, Your Honor, having been asked individually whether they have lawyer,

manifested that they have none and they manifested also that they are willing that a counsel de oficio be appointed in their behalf.

"COURT. Atty. Sta. Romana appointed as counsel de oficio. Likewise you read the information to them and likewise inform them of the consequence of their plea. Alright, what is the plea?

"ATTY. STA. ROMANA. After conferring with the accused Your Honor, and having explained to them the information and the consequence of their plea of guilty, they signified, Your Honor, that they are entering a plea of guilty to the crime charged.

"COURT. Alright make it of record that after the accused have been informed of the consequence of their plea, they are still willing to enter a plea of guilty. Decision reserved."

The Solicitor General observes that the trial judge "did not act in accordance with what was required of him under the circumstances. Moreover, it would seem that the plea was made by the lawyer of the accused, and not by the accused themselves. Also, the defense counsel was the one supposedly entrusted with the duty of explaining to the accused the information and the consequences of their plea of guilty, and the court did not even take a direct part therein. No inquiry was made by the court from the accused themselves if they understood what their court-appointed lawyer explained to them. The judge simply relied on the manifestations of counsel. Moreover, there is absolutely no indication in the record to show that the accused were advised that a plea of guilty to an information charging the offense of MURDER with the aggravating circumstances of recidivism and quasi-recidivism (a special aggravating circumstance) will nonetheless invite the imposition of the supreme penalty of DEATH, considering that 'quasi-recidivism has for its effect the punishment of the accused with the maximum period of the penalty prescribed by law for the new felony, and cannot be offset by an ordinary mitigating circumstance.' (People vs. Layson, L-25177, Oct. 31, 1969, 30 SCRA 92, 97)."

We have ourselves scrutinized the record, and, in addition to the valid observations made by the Solicitor General, we have noted two telling circumstances that considerably detract from the standard of care (set down by the Court in People vs. Aduhan and subsequent cases),[1] with which pleas of guilty especially in capital offenses should be treated. First, as the decision itself indicates, the trial court appointed a counsel de oficio for the three defendants right at the moment of their arraignment. Evidently, no opportunity was given to the said counsel de oficio to interview at length the defendants individually and under more desirable circumstances, or to examine carefully the already copious record that the case had by then accumulated, or to investigate fully and verify the circumstances of the alleged crime. Second, inconsistent with the statement made in the decision to the effect that the information was read and translated in the language known to the defendants, are the official minutes of the proceeding which declare that the three defendants "waive reading of information and enter a plea of guilty." If this latter is true, there is indeed greater doubt as to whether the defendants fully understood the meaning, significance and consequences of their pleas.

Moreover, since there is no law prohibiting the taking of testimony after a plea of guilty, where a grave offense is charged, this Court has deemed such taking of testimony the prudent and proper course to follow for the purpose of establishing not only the guilt but as well the precise degree of culpability of the defendant.[2]

As things stand, the record does not furnish us sufficient basis for a proper review of the decision a quo. The barrenness of the record cannot, as we have said in People vs. Saligan,[3] give rise to the presumption that the trial court had accepted the pleas of guilty of the defendants in accordance with law. For, a judgment meting out the penalty of death is valid only if the record is susceptible of a fair and reasonable examination by this Court.

As a postscript, during the pendency of this case, the defendant Antonio Lila passed away on June 26, 1972 while confined at the New Bilibid Prison Hospital in Muntinlupa, Rizal. By resolution of August 8, 1972, we dismissed

this case as to him.

ACCORDINGLY, the judgment appealed from is set aside, and this case is hereby remanded to the court a quo for a new arraignment of the defendants Danilo Villafuerte and Nicomedes Bagapuro, with aid of counsel, and for further proceedings consistent with law and the views herein expressed.

Costs de oficio.

Makalintal, C.J., Teehankee, Makasiar, Esguerra, and Muñoz Palma, JJ., concur.

[1] L-19491, August 30, 1968; 24 SCRA 798; see also *People vs. Matias, et al.*, L--35384, November 28, 1972, 48 SCRA 181, and the citations under footnote 1 thereof.

[2] *U.S. vs. Talbanos.*, 6Phil. 541; *U.S. vs. Rota*, 9 Phil. 426; *U.S. vs. Agcaoli*, 31 Phil. 91; *U.S. vs. Jamad*, 37 Phil. 305; *People vs. Bulalake*, 106 Phil. 767; *People vs. Espina*, L-33028, June 30, 1972, 45 SCRA 514; *People vs. Simeon*, L-33730, September 28, 1972, 47 SCRA 129; *People vs. Daeng*, L-34091, Jan. 30, 1973; *People vs. Ricalde*, L-34673; Jan. 30, 1973; *People vs. Silvestre*, L--33821, June 22, 1973; *People vs. Alamada*, L-34594, July 13, 1973; *People vs. Villafuerte*; L-32036, July 31, 1973.

[3] L-35792, November 29, 1973.

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