

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE VS. PEDRO SANTA ROSA, DEFENDANT AND APPELLANT.

G. R. No. L-3487. April 18, 1951

Ponente: JUGO, J.

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JUGO, J.:

Pedro Santa Rosa was accused before the Court of First Instance of Mindoro of illegal possession of a firearm on June 1, 1948, to wit: a carbine, caliber 30, bearing serial No. 1928819, without license or permit therefor.

Upon arraignment on February 12, 1949, he pleaded guilty. The trial court rendered decision, the pertinent part of which reads as follows:

"The offense committed by the accused is in violation of Section 2692 of the Revised Administrative Code and punished by imprisonment of not less than five years nor more than ten years. Considering that the accused pleaded guilty to the information the minimum penalty shall be imposed and applying the Indeterminate Sentence Law the penalty to be imposed upon the accused will be an indeterminate imprisonment of five to seven years, with the accessory penalties prescribed by law, with costs. The firearm Carbine rifle, Caliber 30, bearing Serial No. 1928819 is hereby confiscated in favor of the Philippine Government. The accused is entitled to one-half of his preventive imprisonment."

The defendant appealed, his counsel submitting the following assignment of error:

"The lower court erred in sentencing the appellant, on his plea of guilty, without compelling the prosecutor to introduce any evidence, in order to have some basis for the imposition of the correct penalty."

The hearing of witnesses after the defendant has pleaded guilty is discretionary with the court, under section 5 of Rule 114, which reads as follows:

"Where the defendant pleads guilty to a complaint or information, if the court accepts the plea and has discretion as to the punishment for the offense, it may hear witnesses to determine what punishment shall be imposed."

The general rule is that "a plea of guilty when formally entered on arraignment is sufficient to sustain a conviction of any offense charged in the information without the introduction of further evidence, the defendant himself having supplied the necessary proof by his plea of guilty." (U. S. vs. Burlado, 42 Phil., 72, 74; U. S. vs. Dineros, 18 Phil. 566; U. S. vs. Jamad, 37 Phil., 305).

When a defendant voluntarily pleads guilty, it is to be inferred that he understood the material allegations of the complaint or information, especially in the present case where the facts alleged are simple and can be readily understood by any person of normal intelligence, the only essential allegation being that he possessed a firearm without license or permit.

We cannot, therefore, hold that the trial court erred when it did not compel "the prosecutor to introduce any evidence, in order to have some basis for the imposition of the correct penalty," for the reason that it acted within

its discretionary power in not doing so. If the defendant had any evidence as to the alleged circumstances, he could have prayed the court to hear such evidence instead of merely waiting for the court's initiative.

The appellant's counsel cites in support of his contention the cases of U. S. vs. Rota (9 Phil., 427) and U. S. vs. Jamad (37 Phil., 305). An examination of those cases shows that this court held that, while it would be advisable to take testimony in serious cases even after the plea of guilty, yet the taking of testimony in such cases is discretionary. In the present case, we believe that the trial court did not commit any abuse of discretion in not calling witnesses after the plea of guilty. It should be noted in this connection that it imposed the minimum penalty.

In view of the foregoing, the judgment appealed from is affirmed, with costs against the appellant. It is so ordered.

Paras, C. J., Feria, Pablo, Bengzon, Tuason and Montemayor, JJ., concur.

PARAS, C. J.:

I certify that Justices Padilla and Reyes voted to affirm.

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