

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS.
CIRILO ESPÍÑA, DEFENDANT AND APPELLANT.***G.R. No. L-33028. June 30, 1972*

Ponente: FERNANDO, J.

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In this automatic review of a death sentence imposed by the Court of First Instance of Northern Samar on Cirilo Espiña for the crime of murder, the defense and the prosecution are as one in their plea to set aside such a judgment and remand of the case to the lower court. As was clearly stressed in the able brief filed by counsel de oficio, former Associate Code Commissioner Luis R. Feria, there was a failure by the trial judge to comply with rigid standard set forth in controlling decisions as to when a plea of guilty suffices to call for the imposition of such extreme penalty. Similarly, Solicitor-General Estelito P. Mendoza,[1] in his manifestation and motion in lieu of appellee's brief, displayed an equal concern for the rights of appellant, failure to observe which did amount to his being held to answer for a criminal offense contrary to the due process guarantee. There is no choice left to us except to set aside the lower court decision and remand the case for a new trial.

An information under date of December 3, 1970 was filed against the accused Cirilo Espiña. It was therein alleged that on or about the 13th day of November, 1970, around seven o'clock in the evening, in the barrio of Pangdan, Municipality of Laoang, Province of Northern Samar, the said accused with intent to kill and with treachery, wilfully and feloniously attacked and stabbed one Antonio Rosendal with a small bolo, "depang," thereby inflicting upon him several stab wounds on different parts of the body, resulting in his instantaneous death. The aggravating circumstance of recidi-vism arising from a previous conviction by final judgment of robbery with frustrated homicide, the sentence being for an indeterminate penalty of from 4 years, 2 months and 1 day of prision correccional as minimum, to 10 years and 1 day of prision mayor as maximum, was likewise alleged. Then came the arraignment on December 15, 1970. Only then was a counsel de oficio appointed for the accused. At 8:54 a.m. of that day, the hearing was suspended to allow him to confer with counsel. Barely an hour later, at ten o'clock, the hearing was resumed. His counsel manifested before the court that the accused would plead guilty to the crime charged; he did enter such plea, invoking in his favor the mitigating circumstances of obfuscation, voluntary surrender and plea of guilty, without any objection on the part of the fiscal.

Nonetheless, the sentence imposed was one of death. The decision under review explained why: "It appears, however, that said criminal case No. 3259 alleged in the information as the former case for which the accused was sentenced and for which he has been released on parole is a crime against property and not embraced in the same title as the crime charged in this case, so that, the aggravating circumstance of recidivism as alleged would not be correct. However, the accused having committed the instant offense when he was still serving his sentence in the former case, Criminal Case No. 3259, he comes under the provision of Article 160 of the Revised Penal Code which is quasi-recidivism that cannot be [offset] by the mitigating circumstances of plea of guilty and voluntary surrender and passion and obfuscation which were invoked by counsel de oficio in his favor. And considering that Article 160 of the Revised Penal Code provides that the accused should be punished with the maximum period of

the penalty prescribed by law for the new felony and having pleaded guilty to the crime of murder to which the maximum penalty provided for by law is death, the same should be imposed upon the said accused Cirilo Espiña." [2] For all that appears in the record, no effort was even made to explain to the accused what a plea of guilty to an information attended by such an aggravating circumstance would entail. Again the decision, as if such matter of gravity were of minor significance, would summarily dispose of it and the life of the accused thus: "[Wherefore] considering the fact that the said accused Cirilo Espiña has readily admitted his guilt for murder as charged in the information, he is hereby declared guilty of murder, beyond reasonable doubt, and he is hereby sentenced to the supreme penalty of death in accordance with Article 160 of the Revised Penal Code. The accused is likewise ordered to indemnify the heirs of the deceased Antonio Rosendal in the amount of P12,000.00 and to pay the cost of suit." [3]

Thus with an almost total absence of the usual care and circumspection required of a lower court before pronouncing sentence for a capital offense, he was found guilty of murder. As he was a quasi-recidivist, he was sentenced to death. Necessarily then, there is a need for the setting aside of such judgment, as prayed for by both defense and prosecution. So deference to our consistent line of authoritative decisions would require.

1. It is thus easily understandable why for both counsel de officio as well as the Solicitor General, the proceeding leading to the imposition of the death sentence is vitiated by a fatal infirmity. This Court has never been remiss in its oversight of the mode and manner in which lower courts discharge their judicial function, especially so in cases of this character. Lately, such an attitude has even been more marked starting from a 1968 decision, *People vs. Apduhan*, [4] Justice Castro speaking for the Court, to *People vs. Francisco*, [5] promulgated just the other day, with Justice Teehankee as ponente. The recognition of the discretion possessed by the trial court to determine whether or not a plea of guilty has been improvidently made notwithstanding, it has been the constant concern of this Tribunal to require the most meticulous care on its part. This is to avoid a life being forfeited even if there be circumstances that would militate against such a conclusion. It is highly desirable that evidence be taken to erase any doubt as to the degree of culpability of the accused before a death sentence is imposed. Considering all the awesome consequences that is entailed, such degree of circumspection is a must. To such an approach, both defense and the prosecution remain, as they should be, committed. Their plea for the setting aside of the judgment thus deserves to be heeded.

2. It was noted in the manifestation of Solicitor General Mendoza: "The expediente of this case consists of 36 pages, 21 pages of which are the records of the proceedings in the Municipal Court and only 15 pages are records of the trial court whose judgment is now on automatic review. * * * Added to that, the transcript is lamentably bereft of disclosures which would aid this High Tribunal in resolving this case." [6] There is more than an intimation in such pleading on behalf of the People of the Philippines that in sentencing the accused to death there was no compliance with the constitutional right to due process. It is not to be lost sight of that insofar as an accused person is concerned, this all-embracing requirement of fairness found in the first paragraph of Section 1 of the Bill of Rights, [7] is made even more categorical in paragraph 15 thereof, which in unmistakable language precludes his being "held to answer for a criminal offense without due process of law." [8] This clause was explained by the then Delegate Laurel in his sponsorship address on the provision on the Bill of Rights as an embodiment of the doctrine in *Ong Chang Wing vs. United States*. [9] What is immediately apparent is that the procedural aspect of due process insofar as an accused is concerned is by this specific constitutional guarantee further emphasized.

It only remains to be added that as of 1934, when the present Constitution was drafted, it was already a settled principle of law that where a plea of guilty is entered in a case that may result in the imposition of the death penalty, it must be "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." [10] Such an opinion by Justice Carson goes back to a 1907 decision, with the same jurist as ponente, where he would require "the taking of testimony" to justify accepting a plea of guilty as "the proper and prudent course." [11] He was much more definite in *United States vs. Agcaoili*, [12] decided in 1915. As made clear in such decision: "Where the offense charged then is capital, 'the possibility of misunderstanding or mistake in so grave a matter, justifies and in most instances requires the taking of such available evidences 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.'" [13] It does not admit of doubt, therefore, that the due process as known to the Constitution at the time of its being framed would not be satisfied without the lower court taking all the necessary steps to satisfy itself as to such a plea being made under conditions that would demonstrate that the accused is fully cognizant of the dire consequences that would ensue by such an admission.

It is undisputed that with a plea of guilt in a prosecution for capital offense, freely and understandingly made, with full awareness that one's life hangs in the balance, no due process question arises. To all intents and purposes, there was a hearing before condemnation, a proceeding upon lawful inquiry, with the ensuing judgment being the necessary consequence. Under such circumstances, the imposition even of the extreme penalty is not attended by arbitrariness or unfairness. What is done is neither capricious nor oppressive. The accused must be deemed to have yielded only to the promptings of truth. His acknowledgment of guilt is not tainted by any infirmity. Before that stage is reached, however, the civilized standards of justice do require that he must have reflected on the action he would take with the assistance of counsel, who could inform him of what is in store for him if he decides to admit his culpability. The trial judge, on the other hand, is called upon to ascertain, invariably through the taking of evidence, what actually did transpire so that the resulting verdict cannot in any wise be stigmatized as deficient in terms of what is proper, reasonable, and just. There would thus be the need then for the parties being required by the Court to submit proof on the attendant circumstances, whether aggravating or mitigating, especially so in the case of the latter as necessarily the information does not refer to them at all. Unless such a standard is met, due process is not observed, and the decision cannot be upheld. So we have held before; we do so again.

WHEREFORE, the decision of the lower court of December 15, 1970 finding the accused guilty of murder and sentencing him to death is hereby set aside and the case remanded to it for further proceedings in conformity with this decision. Without pronouncement as to costs.

Concepcion, C.J., Reyes, J.B.L., Makalintal, Zaldivar, Ruiz Castro, Teehankee, Barredo, Makasiar, and Antonio, JJ., concur.

[1] He was assisted by Assistant Solicitor-General Conrado T. Limcaoco and Solicitor Carlos U. Ortega.

[2] Decision, Annex to Brief for the Accused-Appellant, p. 3.

[3] Ibid, pp. 3-4.

[4] L-19491, August 31, 1968, 24 SCRA 798.

[5] L-30763, June 29, 1972. After *Apduhan* and before *Francisco*, the following cases were decided: *People vs. Solasito*, L-29209, August 25, 1969, 29 SCRA 61; *People vs. Serafica*, L-29029, August 28, 1969, 29 SCRA 123; *People vs. Englatera*, L-30820, July 31, 1970, 34 SCRA 245; *People vs. Aguilar*, L-30932, January 29, 1971, 37

SCRA 115; People vs. Estebia, L-26868, July 29, 1971, 40 SCRA 90; People vs. Flores, L-32692, July 30, 1971, 40 SCRA 230; People vs. Alincastre, L-29891, August 30, 1971, 40 SCRA 391 and People vs. Valera, L-30039, February 8, 1972, 41 SCRA 207.

[6] Manifestation and Motion in Lieu of Appellee's Brief, p. 5.

[7] Section 1, par. (1) of the Bill of Rights reads as follows: "No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws."

[8] Section 1, par. (15) of the Bill of Rights reads as follows: "No person shall be held to answer for a criminal offense without due process of law."

[9] 218 US 272 (1910). As stated therein in the opinion of Justice Pitney of the Supreme Court in a case affirming a decision appealed from the Supreme Court of the Philippine Islands at the time we were under American sovereignty: "This court has had frequent occasion to consider the requirements of due process of law as applied to criminal procedure, and, generally speaking, it may be said that if an accused has been heard in a court of competent jurisdiction, and proceeded against under the orderly processes of law, and only punished after inquiry and investigation, upon notice to him, with an opportunity to be heard, and a judgment awarded within the authority of a constitutional law, then he has had due process of law." At 280.

[10] United States vs. Jamad, 37 Phil. 305, 313 (1917).

[11] United States vs. Rota, 9 Phil. 426. Cf. "The essence of the plea of 'guilty' in a criminal trial, is that the accused, in arraignment admits his guilt, freely, voluntarily, and with a full knowledge of the consequences and the meaning of his act. We do not think that the form of this admission is of vital importance, provided the admission of guilt is clear, definite, and unconditioned." United States vs. Dineros, 18 Phil. 566, 572-573 (1911).

[12] 31 Phil. 91 (1915).

[13] Ibid, pp. 93-94.

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