

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
FEDERICO SILVESTRE ALIAS BOY DE GUZMAN,
DEFENDANT-APPELLANT.**

G.R. No. L-33821. June 22, 1973

Ponente: RUIZ CASTRO, J.

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RUIZ CASTRO, J.:

The defendant Federico Silvestre, alias Boy de Guzman, together with one Francisco See, was indicted for the crime of "robbery in band with homicide and rape" in criminal case 319 of the Court of First Instance of Davao del Norte. The information read to the two accused recites:

"The undersigned accuses Federico Silvestre alias Boy de Guzman and Francisco See of the crime of Robbery in Band with Homicide and Rape, under Articles 296 and 294, pars. 1 and 2 of the Revised Penal Code, committed as follows:

"That on or about June 12, 1970, in the Municipality of Tagum, Province of Davao del Norte, Philippines, and within the jurisdiction of this Court, the above-mentioned accused, with intent of gain, with violence and intimidation against persons and armed with a gun, conspiring and confederating with one another and with alias Falconit and alias Boy Paco, who are still at large, and mutually helping one another, did then and there wilfully, unlawfully and feloniously enter the house owned by Isabelo Secuya by forcibly opening the door and once inside, take, steal and carry away cash in the amount of P200.00 and 1 piece suit worth P90.00, amounting all in all to P290.00, to the damage and prejudice of said owner in the aforesaid sum; and on the occasion thereof, the said accused with said weapon and with intent to kill, conspiring and confederating with each other and with alias Falconit and alias Boy Paco, who are still at large, attack, assault and shoot one Roque Estrella, thereby inflicting upon the latter wounds which caused his death; and by means of force and intimidation, did then and there wilfully, unlawfully and feloniously have carnal knowledge with Adela S. Estrella, against her will; and further causing actual, moral and compensatory damages to the offended party or parties or heirs of the victim.

"The commission of the foregoing offense is attended by aggravating circumstances of recidivism, quasi-recidivism and nighttime."

Upon arraignment on June 8, 1971, the defendant Silvestre entered a plea of "guilty"; his co-accused, Francisco See, pleaded "not guilty."

In a decision dated June 9, 1971, the trial court found the defendant Silvestre guilty of the crime charged and sentenced him to, among others, the penalty of death.

Hence, this review en consulta.

The record of this case reveals the following proceedings had by the trial court at the arraignment of the defendant Silvestre and his co-accused:

"INTERPRETER:

(Calling the case) - Criminal Case No. 319, People versus Federico Silvestre alias Boy de Guzman and Francisco See, for Robbery in Band with Homicide and Rape, for Arraignment.

"FISCAL FUENTES:

May it please the Honorable Court. Appearing for the prosecution.

"COURT:

Any appearance for the accused?

"INTERPRETER:

Atty. Laolao was appointed as counsel de oficio but he is not in Court, Your Honor.

"COURT:

Atty. Guyo, can you act as counsel de oficio for the accused for the arraignment only?

"ATTY. GUYO:

Yes, Your Honor. May I ask for a few minutes to see the records, Your Honor?

"COURT:

Counsel is given ten minutes to see the records of the case and to confer with the accused.

(To the Interpreter) - Call the next case.

(Case called again after ten minutes.)

"ATTY. GUYO:

Appearing as counsel de oficio for the arraignment of the accused, Your Honor. The accused is ready for the arraignment.

"COURT:

Arraign the accused.

"ATTY. GUYO:

The accused, Your Honor, do not understand Visayan dialect. They are, however, Tagalog-speaking persons. May I request therefore that the reading of the charge be made in Tagalog?

"INTERPRETER:

May I manifest, Your Honor, that these two persons especially Boy de Guzman or Federico Silvestre I have known him, Your Honor, when I was yet a policeman of the Tagum Police Force and when he was imprisoned in the Tagum Municipal Jail, this Federico Silvestre alias Boy de Guzman had been speaking in the Visayan dialect, and as a matter of fact this morning, I was conversing with him in the Visayan dialect. I do not know why he manifested that he cannot understand the Visayan dialect.

"ATTY. GUYO:

Your Honor please, considering the nature of the offense and since the accused now in open Court manifested that he would prefer the information to be read in Tagalog, we pray that the accused be so allowed with this request.

"COURT:

Arraign the accused in the Tagalog language.

"(Accused Federico Silvestre alias Boy de Guzman, when arraigned, pleaded 'GUILTY', but accused Francisco See, when arraigned, pleaded 'NOT GUILTY'.)"

Thru counsel de oficio Manuel B. Imbong appointed by this Court, the defendant now charges that the trial court "erred in convicting and imposing on the accused-appellant the penalty of death without first taking the necessary precautions to assure itself that the accused-appellant fully understood the charges preferred against him and its consequent penalty and [in not hearing] prosecution's evidence in support of the allegations of the information in order to be able to judge correctly the extent of accused-appellant's guilt."

The Solicitor General, as counsel for the People of the Philippines, joins the defendant in faulting the procedure adopted by the trial court in the arraignment of the appellant Silvestre. It is pointed out that "the trial court did not explain to the appellant the true nature of the charge against him, especially the allegations in the information of conspiracy in the homicide that accompanied the robbery charged, the allegation that said crime was committed by a band, and the aggravating circumstances of recidivism, quasi-recidivism, and nighttime also alleged in the information; and neither did the trial court explain to the appellant the consequences and gravity of the charge against him, with all the supposed aggravating circumstances that attended its commission and which, if appellant would also admit, certainly could not be overcome by the lone mitigating circumstance of plea of guilty, so that the imposition of the death penalty on said appellant would be inevitable."

It is quite obvious, from a mere cursory reading of the record of this case, that the trial judge failed to take the essential measures which this Court, in a long line of decisions, has prescribed to guard against the improvident entry of a plea of guilty by an accused. First, as pointed out by the Solicitor General, the trial court did not at all ascertain for itself whether the defendant Silvestre completely understood the full meaning, significance and implications of his plea of guilty.[1] And, second, it did not receive evidence for the purpose of establishing the guilt and the precise degree of culpability of the defendant, notwithstanding his plea of guilty.[2]

The acceptance by the court a quo of the plea of guilty by the defendant Silvestre was inordinately hasty and was made without due regard for the gravity of its consequences upon the life of a human being. When the previously appointed counsel de oficio did not show up at the arraignment, the court simply appointed one of the lawyers then present to act as counsel "for the arraignment only," as if the duties of an attorney to his accused client can be conveniently segmented and the segments farmed out to whomsoever may catch the fancy of the court. Worse, only ten minutes were vouchsafed to the newly appointed counsel de oficio, which period of time he accepted without protest, to study the complicated and serious charge of "robbery in band with homicide and rape" and confer with the two accused whom he met in court for the first time that morning.

The undue haste with which the court a quo treated the entry of the plea of guilty by the appellant Silvestre stresses the importance of what we said in *People vs. Apduhan*: "All trial judges 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."[3]

But the fault in the case at bar does not lie entirely with the trial judge. A share thereof is attributable to Atty. Jose B. Guyo, the counsel de oficio below, who does not appear to have taken his duties to the accused with the seriousness and concern expected of a conscientious advocate and officer of the court.

In the period of ten minutes that passed from his appointment as counsel de oficio to his declaration to the court a quo of his almost instant readiness to proceed with the arraignment of the two accused, he summarily did away with the need of conscientiously scrutinizing the entire record of the case and interviewing his clients fully on the circumstances of the crime charged. It is Atty. Guyo's dangerous and ill-advised brand of counselling that can conceivably send innocent men to prison, if not to their death, or doom guilty persons to suffer more than their just measure of punishment and retribution.

ACCORDINGLY, the decision appealed from is set aside, and this case is hereby remanded to the court a quo for a new arraignment of the defendant Silvestre and for further proceedings in accordance with law and consistently with the import of the observations herein made. Costs de oficio.

Makalintal, Acting C.J., Zaldivar, Fernando, Teehankee, Barredo, Makasiar, Antonio, and Esguerra, JJ., concur.

[1] *People vs. Daeng*, L-34091, January 30, 1973, 49 SCRA 221; see also *People vs. Matias, et al.*, L-35384, November 28, 1972, 48 SCRA 181, and the cases cited under footnote 1 thereof.

[2] *People vs. Daeng*, *supra*.

[3] L-19491, August 30, 1968, 24 SCRA 798.

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