

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. PAULITO GARCIA AND PABLO CANONIGO, DEFENDANTS-APPELLANTS.

G.R. No. L-36162. July 31, 1981

Ponente: CONCEPCION, JR., J.

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CONCEPCION, JR., J.:

On or about 4:45 in the afternoon of November 21, 1970, Carlito Alejo was stabbed to death in the National Penitentiary at Muntinlupa, Rizal. The Necropsy Report[1] shows that he sustained the following injuries:

"Stab wounds, with clean-cut edges and sharp extremities:

(1) Chest, anterior aspect, left, at the level of the 2nd intercostal space, 5.0 cms. from the anterior median line, 2.5 cms. in size, oriented vertically, directed backwards, slightly medially and downwards, involving among other things, the soft tissues, thru the 2nd intercostal space, into the left thoracic cavity, perforating the upper lobe of the left lung, into the pericardial cavity, penetrating the right auricle of the heart, with approximate depth, 9.8 cms.;

(2) Chest, anterior aspect, right, at the level of the 6th intercostal space, 13.5 cms. from the anterior median line, 4.5 cms. in size, oriented downwards, and medially, directed medially, slightly downwards and forwards, involving the soft tissues, non-perforating, communicating with another wound on the chest, anterior aspect, right, at the level of the 6th rib, 8.0 cms. from the anterior median line, 5.2 cms. in size, oriented downwards and medially;

(3) Chest, anterior aspect, right, at the level of the 8th intercostal space, 15.0 cms. from the anterior median line, 2.0 cms. in size, oriented downwards and laterally, directed medially, downwards and slightly backwards, involving among other things, the soft tissues, thru the 8th intercostal space, grazing the upper border of the 9th rib, into the abdominal cavity, penetrating the right lobe of the liver, with approximate depth, 10.0 cms.;

(4) Abdomen, left, iliac region, 5.0 cms. from the anterior median line, 3.0 cms. in size, oriented downwards and medially, directed backwards, upwards and medially, involving the soft tissues, non-perforating, with approximate depth, 3.0 cms.;

(5), (6), (7) Chest, left, lateral aspect, three in number, with sizes ranging from 1.5 cms. to 3.5 cms., oriented vertically, directed medially and horizontally, involving the soft tissues, non-perforating; with approximate depth, averaging 2.5 cms.;

(8) Chest, right, lateral aspect, at the level of the 3rd intercostal space, 19.9 cms., from the anterior median line, along anterior axillary line, 1.0 cm. in size, oriented downwards and anteriorly, directed forwards medially and downwards, involving the soft tissues, non-perforating, with approximate depth, 3.0 cms.;

(9) Back, along posterior axillary fold, left, 15.0 cms. from the posterior median line, 1.7 cms. in size, oriented downwards and medially, directed forwards, upwards and medially, involving the soft tissues, non-perforating, with approximate depth, 2.5 cms.;

(10) Back, along posterior median line, over 10th thoracic vertebra, 1.0 cm. in size, oriented downwards and laterally to the left, directed forwards, downwards and laterally, to left involving the soft tissues, non-perforating, with approximate depth, 2.0 cms.;

(11) Hip, right, lateral aspect, 16.0 cms. from the anterior median line, 1.0 cm. in size, oriented downwards and anteriorly, directed forwards, upwards and medially, involving the soft tissues, non-perforating, with approximate depth, 3.5 cms.

Hemothorax, left, 500 cc.

Hemopericardium, 900 cc.

Hemoperitoneum, 820 cc.

Brain and other visceral organs, pale.

Stomach, 1/2 filled with partly digested rice and food materials.

Immediately thereafter, Pablo Canonigo, a prisoner serving sentence for robbery with homicide, and Paulito Garcia, also a prisoner serving sentence for parricide, were investigated in connection with the stabbing incident.

In his "SINUMPAANG SALAYSAY"[2] taken by prison guard Ignacio Ferrer, Pablo Canonigo admitted his participation in the stabbing of the deceased, and declared, among others, as follows:

“3. T - Ano ang dahilan at ikaw ay pinadala ng Officer of the Day upang siyasatin dito sa tanggapan ng Investigation Section ngayon?

S - Dahil ako po ay nakamatay sa loob ng aming Brigada 7-A-2

“4. T - Kailan ka nakamatay?

S - Ngayong ika 21 ng Nobyembre 1970.

“5. T - Anong oras mo pinatay?

S - Humigit kumulang sa bandang alas kuatro ng hapon (4:00 p.m.).

“6. T - Sinu-sino ang kasama mong pumatay?

S - Ang kasama ko po ay si Titoy (Paulito Garcia) na kapuwa ko bilanggo lamang.

"7. T - Saan ninyo siya pinatay?

S - Sa loob po ng aming Brigada sa may malapit sa pinto.

"8. T - Ibig mong sabihin ikaw, si Titoy at ang inyong pinatay ay nakahimpil sa iisang Brigada?

S - Opo sir.

“9. T - Sino ang inyong pinatay ni Titoy?

S - Hindi ko po alam ang pangalan ngunit kilala ko sa mukha lamang.

“10. T - Ano ang dahilan at bakit ninyo siya pinatay?

S - Sapagkat kahapon po ay nagkaroon kami noong aking pinatay ng alitan at pinagbantaan akong patayin kaya inunahan ko na siya.

“11.T - Ano naman ang dahilan at tumulong sa pagpatay si Titoy?

S - Dahil po sa noong kami nang aming pinatay ay nag-aaway kahapon ay inawat kami ni Titoy ngunit sumama ang loob niya kaya binantaan din si Titoy na patayin.

"12.T - Ano ang ginamit ninyo ni Titoy sa pagpatay?

S - Matalas na gawang Bilibid po sir.

"13. T - Gaano kahaba at kakitid ang matalas na ginamit mo?

S - Ang haba noon ay humigit kumulang sa isang pie (One foot) at ang kitid ay halos isang pulgada po.

"14.T - May matalas na dalawa rito sa aking lamesa, alin dito ang ginamit mong pinanaksak?

S - Ito po sir. (Declarant pointing at the improvised deadly weapon used by him in stabbing the victim, CARLITO ALEJO, No. 67561-P).

"15.T - Binalak ba ninyo ni Titoy ang ginawa ninyong pagpatay doon sa taong hindi ninyo nakikilala?

S - Opo sir.

"16. T - Ilan beses mo siya sinaksak at saan parte ng kanyang katawan?

S - Hindi ko na alam po kong ilang beses sapagkat noong naumpisahan ko sunodsunod na ang pagsaksak ko sa kanya sa tadyang at mayroon pa sa likod.

"17.T - Ano ang ginawa noong pinatay mo nang siya'y iyong saksakin?

S - Siya po ay nakadungaw sa may bintana at nakatingin sa Brigada VI at siya'y nakatalikod sa akin.

"18.T - Sinong unang sumaksak sa inyo ni bilanggong Titoy doon sa pinatay ninyo?

S - Ako po ang unang sumaksak.

"19.T - Sinu-sino ang nakakita nang kayo ni Titoy ay nanaksak?

S - Nakita po ako ng aming tanod (Keeper) nang siya ay dumating galing sa ibaba at marami rin ang nakakitang mga kasama ko sa loob ng aming Brigada.

"20.T - Ano ang ginawa ng inyong tanod (Keeper) nang makita ka at ang inyong pinatay?

S - Pinasurrender sa akin ang aking matalas at pinadala niya ang aming pinatay sa HBP Hospital.

"21.T - Nang matapos ninyong saksakin ni Titoy ang inyong pinatay saan ka naroroon?

S - Sa loob po ng pasilio.

"22.T - Ibig mong sabihin nakasarado ang inyong Brigada?

S - Opo sir.

"23.T - Tapos na ako ng pagtatanong, mayroon ka pa bang nais idagdag o bawasin sa salaysay mong ito?

S - Wala na po sir.

"24.T - Naintindihan mo ng mabuti ang mga tinanong ko sa iyo sa wikang Tagalog?

S - Opo sir.

"25.T - Marunong ka bang sumulat at bumasa ng wikang Tagalog?

S - Opo sir.

"26. T - Kung gayon handa mo bang lagdaan at panumpaang ang salaysay mong ito, na hindi ka pinilit, tinakot, sinaktan o pinangakuan ng anumang uri ng pabuya upang ibigay mo ang salaysay mong ito?

S - Opo sir."

Paulito Garcia, in his "SINUMPAANG SALAYSAY"[3] taken by Prison Guard Pedro R. Palparan also admitted his participation in the stabbing of the deceased. He declared, among others, as follows:

"3. T - Alam mo ba ang dahilan kung bakit ka dinala dito sa tanggapan ng Investigation Section? Bakit?

S - Opo, dahil sa pagkakasaksak ko sa isang kasama namin sa brigada.

"4.T - Sino ang sinaksak mo at sino ang kasama mo?

S - Hindi ko po kilala pero kilala ko po sa mukha ang sinaksak ko. Si Pablo Canonigo po ang kasama kong sumaksak.

"5.T - Saan at kailan naganap ang inyong pananaksak?

S - Doon po sa pasilyo malapit sa pintuan ng Dormitoryo 7-A-2, kaninang mga alas 4:00 ng hapon.

"6. T - Bakit ninyo siya sinaksak?

S - Dahil po ako ay pinagbantaan niya kahapon nang mag-away si Canonigo at ang aming pinatay. Sinabi niyang 'Ikaw aawat-awat, papatayin kita', kaya inunahan na namin siya.

"7. T - Sino ang unang sumaksak sa inyong pinatay?

S - Siya po, si Canonigo.

"8. T - Ano ang uri ng matalas ang ginamit mo?

S - Matalas pong yari sa loob, ibinigay po ni Luna sa akin noong buhay pa siya.

"9.T - Kilala mo ba ang matalas na ginamit mo, ituro mo? (Ipinakita ang matalas).

S - Opo, iyon pong maikli. (Itinuro ang matalas, mga 10 pulgada.)

"10.T - Saan mo sinaksak, anong parte ng katawan mo sinaksak? Ilang beses?

S - Sa kanang bahagi ng likod, mga tatlong beses po.

"11 T - Noong matapos ang nasabing papanaksak, saan kayo nagpunta?

S - Pumasok po kami sa loob ng brigada.

"12.T - Inutosan ka bang umamin sa pagkakasalang ito?

S - Hindi po.

"13.T - Kilala mo ba kung sino ang guardia (keeper) sa inyong brigada noong maganap ang inyong pananaksak?

S - Hindi ko po kilala sapagkat bagong relieve ang mga guardia.

"14.T - Anong ginawa ng mga implyado ng malaman na nagulo sa loob ng inyong brigada?

S - Umakyat po sila sa itaas ng aming brigada at pinasuko kami kasama ang matalas.

"15.T - Sino ang unang sumaksak sa inyo ni prisoner Canonigo?

S - Si prisoner Canonigo po.

"16.T - Anong pangkat o gang kinaaaniban mo?

S - BSL (Batang Samar Leyte).

"17.T - Binalak ba ninyo ang ginawa ninyong pagpatay kay prisoner Carlito Alejo?

S - Opo.

"18.T - Wala na akong maitatanong sa iyo, mayroon ka pa bang ibig na sabihin, idagdag o alisin sa iyong salaysay?

S - Wala na po.

"20.T - Kung gayon handa mo bang lagdaan o pirmahan ang iyong salaysay na di pinilit, tinakot, sinaktan o pinangakuan ng ano mang pabuya?

S - Opo.

"21. T - Marunong ka bang sumulat o bumasa ng wikang tagalog?

S - Hindi po.

"22.T - Naintindihan mo ba ang mga tanong sa iyo sa wikang tagalog?

S - Opo.

"22. T - Handa mo bang pirmahan na sa katunayan ay salaysay mo ito?

S - Opo."

On the basis of their extra-judicial confessions and other evidence, Pablo Canonigo and Paulito Garcia were charged in the Circuit Criminal Court of Pasig, Rizal, with the crime of murder, allegedly committed as follows:

"That or on about November 21, 1970, in the New Bilibid Prison, Muntinlupa, Rizal, Philippines, and within the jurisdiction of this Honorable Court, the said accused while then confined at the said institution, conspiring, confederating and acting together and each armed with improvised weapon, did then and there willfully, unlawfully and feloniously assault and wound therewith one CARLITO ALEJO, No. 67651-P, a sentenced prisoner in the same institution, inflicting upon him multiple stab wounds, while then unarmed and unable to defend himself from the attack launched by the accused, as a result of which the said Alejo died instantly.

"That the offense when committed by the above accused was attended by the qualifying circumstances of treachery and the generic aggravating circumstances of evident premeditation and recidivism, the accused Pablo Canonigo serving final sentence for Robbery with Homicide, sentenced by the Criminal Circuit Court of Manila on September 24, 1969; and the accused Paulito Garcia serving final sentence for the crime of Parricide, sentenced by the Court of First Instance of Samar on January 10, 1968." [4]

When arraigned, both accused, assisted by counsel de officio entered a plea of not guilty,[5] and thereafter, the case was set for trial on the merits.

At the trial of the case on July 29, 1972, the counsel de officio for the two accused, manifested that they voluntarily relayed to him their intention to confess their guilt in open court and that they be allowed to withdraw their former plea of not guilty and substitute it with a plea of guilty. The court inquired from the two accused if they were affirming the motion of their counsel and both replied in the affirmative. The court then apprised the two accused of the consequences of their plea of guilt and that there is no sentence which it could impose upon

them except the death penalty because of the provision of Art. 160 of the Revised Penal Code. Despite that information, the two accused manifested that they were adhering to their plea of guilty and that they were resigned to their fate.[6] Thereafter, the court a quo promulgated a decision,[7] the dispositive portion of which reads, as follows:

"WHEREFORE, in Criminal Case No. CCC-VII-1012-Rizal, in view of the voluntary and spontaneous confession of guilt by the accused Paulito Garcia (63628-P) and Pablo Canonigo (69634-P), the Court finds them Guilty beyond reasonable doubt of the crime of Murder in violation of Article 248 of the Revised Penal Code as charged in the Information, and hereby sentences each one of them to suffer the DEATH penalty; to indemnify the heirs of the victim Carlito Alejo in the amount of P12,000.00; to pay P12,000.00 as exemplary damages and another P12,000.00 as moral damages; and to pay their proportionate share of the costs."

On the same date, the court issued an order,[8] directing the Special Prosecutor to present the evidence for the prosecution pursuant to the doctrine laid down in *People vs. Flores*.^[9]

The trial court held hearings for the reception of the evidence for the prosecution. The investigators who took the extra-judicial confessions of the two accused and the medico-legal officer of the NBI who performed the autopsy on the body of the deceased testified and were cross-examined by the counsel de oficio. The prosecution also presented in evidence, the extra-judicial confessions of the accused, the Necropsy Report, the improvised bladed weapons used in the stabbing and the photographs of the wounds of the deceased.

After the prosecution rested its case, the judgment of the court a quo of July 29, 1972 was re-promulgated on January 13, 1973.^[10]

In view of the death penalty imposed upon the accused, the case is now before this Court for automatic review.

The appellants contend that the trial court erred in finding them guilty of murder and in imposing the death penalty, arguing that the qualifying circumstance of treachery and the generic aggravating circumstance of evident premeditation, although alleged in the information, were not proven during the trial. The appellants' contention is untenable. Having entered a plea of guilty, the appellants are deemed to have admitted all the material facts alleged in the information.^[11] By their plea, they admitted not only the commission of the crime, but also the attendant circumstances alleged therein, qualifying and/or aggravating the crime.^[12] A plea of guilty when formally entered on arraignment, is sufficient to sustain a conviction even for a capital offense without the introduction of further evidence, the requisite proofs having been supplied by the accused themselves.^[13]

The appellants also claim that the trial court should not have taken into consideration their extra-judicial confessions, since there was no showing that the same were voluntarily given. Again, the contention of appellants is devoid of any merit. In this jurisdiction, the presumption of the law is in favor of the spontaneity and voluntariness of the statement given by an accused, and it is incumbent upon him to destroy that presumption.^[14] The appellants herein have not adduced any evidence to overcome this presumption. On the contrary, they have in effect affirmed their extra-judicial confessions when they pleaded guilty to the charge.

Finally, the appellants claim that the trial court should have considered in their favor the mitigating circumstances of (1) no intention to commit so grave a wrong as that committed; (2) passion or obfuscation; and (3) voluntary confession of guilt in open court. In view, however, of the existence of the special aggravating circumstance of quasi-recidivism,^[15] which cannot be offset by any mitigating circumstance,^[16] it is unnecessary to discuss the presence or absence of the mitigating circumstances claimed by the appellants.

Considering, therefore, that the crime in the instant case was committed by the appellants while serving sentence for a felony for which they were convicted by final judgment, the trial court correctly imposed the death penalty.

WHEREFORE, the judgment of the trial court, being in accordance with the law and the evidence, is AFFIRMED. However, for lack of the necessary number of votes for the imposition of the death penalty, the appellants are hereby sentenced to suffer the penalty of reclusion perpetua. With costs against the appellants.

SO ORDERED.

Fernando, C.J., Teehankee, Barredo, Makasiar, Aquino, Fernandez, Guerrero, Abad Santos, De Castro, and Melencio-Herrera, JJ., concur.

[1] Exh. "A", Original Record, p. 98.

[2] Exh. "F", Ibid., p. 102.

[3] Exh. "I", Record, p. 105.

[4] Record, p. 1.

[5] Record, p. 9.

[6] Record, pp. 51-52.

[7] Record, p. 48.

[8] Record, p. 43.

[9] L-32692, July 30, 1971, 40 SCRA 230.

[10] t.s.n., January 6, 1973, p. 19.

[11] People vs. Roldan, 23 SCRA 907; People vs. Arpa, 29 SCRA 1037.

[12] People vs. Yu, 1 SCRA 199 and cases therein cited; People vs. Alicia, 95 SCRA 227.

[13] People vs. Pagal, 79 SCRA 570.

[14] People vs. Pereto, 1 SCRA 1469.

[15] Art. 160, Revised Penal Code, provides: "Besides the provisions of Rule 5 of Article 62, any person who shall commit a felony after having been convicted by final judgment, before beginning to serve such sentence, or while serving the same, shall be punished by the maximum period for the penalty prescribed by law for the new felony."

[16] People vs. Villacores, et al., L-35969, May 16, 1980, citing People vs. Santos, 105 Phil. 40.

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