

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. ALEJANDRO SANTOS AND JOSE VICENTE, DEFENDANTS AND APPELLANTS.

G. R. No. L-12448. January 22, 1959

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PER CURIAM:

In the Court of First Instance of Bulacan, in Criminal Case No. 2903, Alejandro Santos and Jose Vicente were charged and convicted of the crime of murder, defined and penalized under Article 248 in connection with Article 160 of the Revised Penal Code, in an information couched in the following language:

"The undersigned Provincial Fiscal accuses Alejandro Santos and Jose Vicente of the crime of murder, penalized under the provisions of Art. 248 in connection with Art. 160 of the Revised Penal Code, committed as follows:

That on or about the 5th day of February, 1957, in the Municipality of Malolos, Province of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the said accused Alejandro Santos and Jose Vicente, being national prisoners by virtue of final judgments of competent courts in the following cases to wit:

1.

Criminal case No. 45618 for theft before the court of first instance of Manila.

Sentence-One (1) month and one day, additional penalty for being habitual delinquent, 2 yrs. 4 months and 1 day to 6 years.

1.

Criminal case. No. 30476 for robbery before the court of first instance of Manila.

Sentence-4 years to 8 yrs. and 1 day. Commencing March 7, 1955.

2.

Criminal case No. 45619 for theft before the court of first instance of Manila.

Additional penalty for habitual delinquent-2 years 4 months and 1 day to 6 years, commencing July 7, 1955

3.

3.

Criminal case No. 20018 for robbery before the court of first instance of Manila.

Sentence-2 years 10 months and 22 days to 6 years one month and one day, commencing February 17, 1955.

Criminal case No. 31616 for slight physical injuries before the Municipal Court of Manila.

Sentence-five (5) days imprisonment. Commencing February 21, 1955.

3.

Criminal Case No. 33340 for robbery before the court of first instance of Manila.
Sentence one year, 8 months and 20 days to 6 years and 1 day.
Commencing-January 19, 1956.

4.

Criminal Case No. 30473 for murder before the court of first instance of Manila.
Sentence-Reclusion Perpetua, commencing May 12, 1956.

serving their sentences and detained in the Provincial Jail of Bulacan awaiting trial of Criminal Case No. 2839, People vs. Jose Vicente, et al for robbery, and armed with wooden clubs, sharpened meat can handle, nine (9) inches long, and sharpened ice-pick, 10 inches long, conspiring and confederating together and helping one another, with intent to kill one Ernesto Palangue, a Prisoner Trustee in the said Provincial Jail, did then and there wilfully, unlawfully and feloniously, with evident premeditation and treachery, at- tack, assault, strike and hit with the weapons the accused were then provided the said Ernesto palangue on different parts of his body, causing bodily injuries, to wit:

- Wound, stabbed, 1-1/2" deep, downward and to the left, inflammatory, left:
- Stab wound, 2" deep downwards and to the left, aparasternal, xyphoid region, left.
- Stab wound, 3-1/4" deep, downwards and to right.
- Stab wound, 10" deep, anterior axillary line, 1" nipple right.
- Wound punctured, 1" deep, downwards and to the left, chest, right, around 10" below nipple 1/4", around 7" below, nipple, left.
- Stab wound, 6" deep, downwards and to the left, epigastric, right; 4" downwards and to the left, hypochondriac, left; 10", 2 in number, medialwards and upwards, epigastric, 1" above navel, right; 10", medialwards, hypochondriac, right; 2 in number, medialwards and upwards, 1/2 feet to right of umbilicus.
- Punctured wound, 1" deep, medialwards, hypocondriac, right; medialwards, iliac right 2" directed upwards , tigh lateral aspect, left.
- Hernia, scrotal, left.
- Abrasion, forearm, distal 3rd, right, hand, dorsum, right.
- Fracture, simple, ulna, distal 3rd, left.
- Abrasion, forearm, left.
- Stab wound, thru & thru, 2 in number, forearm, lateral, aspect, left, to arm medial aspect distal end.
- Contusion with hematona, frontal, left.
- Wound, lacerated, 1-1/2" Supracillary, left.
- Wound, lacerated, 2-1/2" Supracillary, right, with comminuted fracture of supracillary, bones.
- Fracture, compound, complete, frontal, right.
- Mound, lacerated, 1-1/2", parietal, right. which caused the death of the said Ernesto Palangue.

That in the commission of this crime the following aggravating circumstances were present, to wit: (1) recidivism

with respect to Jose Vicente only, (2) that the accused has been previously punished for two or more crimes to which it attaches a lighter penalty, (3) evident premeditation, (4) with cruelty, the wrong done in the commission of the crime having been deliberately augmented by causing other wrong not necessary for its commission, and (5) quasi-recidivism, the said accused having committed this crime after having been convicted by final judgments of competent courts and while serving said judgments.

Contrary to law.

Malolos, Bulacan, March 28, 1957."

To this information, both defendants pleaded guilty, whereupon, the lower court rendered judgment sentencing them to suffer the penalty of death; to indemnify the heirs of the deceased Ernesto Palangue in the sum of P6,000.00, to suffer all the accessory penalties provided for by law and to pay the costs.

The death penalty having been imposed, records of the case were forwarded to this Court for review, pursuant to the provisions of Section 9, Rule 118 of the Rules of Court. The conviction must stand. The records disclose that at the arraignment, the accused were assisted by a counsel de oficio appointed by the presiding Judge. Counsel was given time to confer and did confer with the defendants before entering their plea of guilty. There appears to be no doubt that: their plea were given voluntarily and spontaneously. Under these facts, no irregularity was committed by the lower court.

New counsel de oficio in this review, however, contends that it was error for the lower court to consider against the accused the aggravating as well as the qualifying circumstances stated in the information, there having been no hearing ordered by the said court to at least investigate the facts that were alleged as giving rise to those circumstances.

In several cases, this Court had occasion to rule that a plea of guilty removes all the necessity of presenting evidence of the crime charged and is sufficient to sustain a conviction, even a capital, offense, without any further evidence (People vs. Acosta, 52 Off. Gaz. 1930; People vs. Rapirap, G. R. No. L-110001, January 21, 1958), the requisite proofs having been supplied by the accused himself. By the plea of guilty, all the facts alleged in the information are deemed admitted (People vs. Lambino, G. R. Ho. L-10875, April 28, 1958). The taking of further evidence, including the ascertainment of circumstances which affect criminal liability, rests entirely upon the sound discretion of the court (People vs. Trimpo, G. R. No. L-8585, October 23, 1956, 52 Off. Gaz. No.15, 6514; People vs. Acosta, supra) . Thus, in the Acosta case, this Court said:

This Court has already declared that the essence of the plea of guilty in a criminal trial is that the accused, on arraignment, admits his guilt freely, voluntarily and with full knowledge of the consequences and meaning of his act, and with a clear understanding of the precise nature of the crime charged in the information; that when formally entered, such a plea is sufficient to sustain a conviction of any offense charged in the information, even a capital offense, without the introduction of further evidence, the defendant having himself supplied the necessary proof; and that while it may be prudent and advisable in some cases, especially where grave crimes are charged, to take additional evidence as to the guilt of the accused and the circumstances attendant upon the commission of the crime, nevertheless it lies in the sound discretion of the court whether to take evidence or not in any case where it is satisfied that the plea of guilty has been entered by the accused with full knowledge of the meaning and consequences of his act. (U. S. vs. Jamad, 37 Phil. 305; U. S. vs. Burlado, 42 Phil. 72; People vs. Santa Rosa, G. R. No. L-3487, April 18, 1951; People vs. Sabilul, G. R. No. L-3765, June 21, 1951). (52 Off. Gaz. No. 4, p. 1932)

The aggravating circumstances in this case mostly appear from official records, and it must have been for this reason that counsel de oficio in the court below did not ask the court for inquiry into the circumstances of the

crime, but assented-into their entering a plea of guilty notwithstanding the serious consequences that said plea entailed. Moreover, no attempt was made, after the passing of the death sentence, to ask the court to reopen the hearing for reception of evidence in defense or mitigation of liability, evidently because no such evidence existed. It is well to note that even discarding the circumstances of premeditation and cruelty, sufficient aggravating circumstances remain, not only to offset the plea of guilty but to raise the penalty to the maximum provided by law, specially in view of Art. 160 of the Revised Penal Code.

He find no error in the judgment appealed from and, much to our regret, find no alternative but to affirm the judgment and sentence now under review.

So Ordered.

Paras, C.J., Padilla, Montemayor, Bautista Angelo, Labrador, Concepcion, Reyes, J.B.L., and Endencia, JJ., concur.

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