

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS.
EUTQUIO YAMSON, ET AL., DEFENDANTS. EUTQUIO YAMSON,
DEFENDANT AND APPELLANT.**

G.R. No. L-14188. March 27, 1961

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PER CURIAM:

In an information filed in the Court of First Instance of Rizal, Eutiquio Yamson and Carlos Sabuero were charged with the murder of a co-inmates in the Bilibid Prisons at Muntinlupa, as follows:

"That on or about the 28th day of February, 1958, in the municipality of Muntinlupa, province of Rizal, Philippines, and within the Jurisdiction of this Honorable Court, the above-named accused who are convicts confined in the New Bilibid Prison by virtue of final judgments, conspiring confederation and mutually helping and aiding one another, with evident premeditation and treachery, both armed with deadly weapons, did, then and there, wilfully, unlawfully and feloniously kill Benjamin Albao, also a convict confined in the same institution, by stabbing and striking him with an improvised weapon, pointed and/or sharpened, thereby inflicting upon the victim multiple serious injuries which directly caused his death.

"That the aggravating circumstances of quasi-recidivism is present in the commission of the crime in that the same "was committed" after the accused have been convicted by final judgments and while they were serving said judgments in the New Bilibid Prisons.

"Contrary to law, with the following aggravating circumstances, to wit:

- That the crime was committed with insult to public authorities;
- That the crime was committed where public authorities are engaged in the discharge of their duties;
- That use of superior strength or means was (sic) employed to weaken the defense; and
- Night time.

Pasig, Rizal, March 8, 1958."

On March 12, 1958, the trial court appointed Atty. Bartolome Felipe to act as counsel de oficio for Eutiquio Yamson. Upon arraignment on March 15, 1958, and with assistance of counsel de oficio, Yamson pleaded guilty to the information. His co-accused, Sabuero, pleaded not guilty.

On May 31, 1958, the trial court rendered judgment against appellant Yamson, the dispositive part of which reads—

"In view of the foregoing, the court finds the accused guilty beyond reasonable doubt of the crime as charged in the above-quoted information, which also alleges that the aggravating circumstance of quasi-recidivism is present with four other aggravating circumstances. There is only one mitigating circumstance, present, that is the plea of guilty, but since this is not enough to offset the above aggravating circumstances, the Court hereby sentences the accused to suffer the maximum penalty provided by law which is death and to indemnify the

heirs of the offended party in the sum of P3,000.00 and to pay his corresponding share of the costs.

"It is so ordered.

"Pasig, Rizal, May 31, 1958".

The case has been elevated to us en consulta by virtue of the death penalty imposed. Atty. Veronica Lugtu, counsel de oficio in the instant appeal, recommends the affirmance of the death penalty; so does the Solicitor General.

No question is, therefore, presented in this appeal except that on its own initiative, because of the gravity of the offense, this Court reviewed the record to satisfy itself that the plea of guilty was made with knowledge of its meaning. It appears that at the arraignment on March 15, 1958, appellant Yamson was assisted by counsel de oficio. He pleaded guilty only after he was informed by the trial court of the nature of the accusation against him, reading to him the complaint and delivering him a copy thereof. The trial court found that appellant Yamson, assisted by this counsel, "voluntarily and spontaneously" pleaded guilty.

Under practically identical circumstances, in sustaining a death sentence imposed on this same appellant, Eutiquio Yamson, also by the Court of First Instance of Rizal for yet another murder he committed on the same day, we said:

"We are fully convinced that before the appellants entered their plea of guilty, they were apprised of the import and consequences thereof. They did not plea without the assistance of counsel. Council de oficio was all the time at hand. The presumption of regularity and faithfulness in the performance of official functions on the part of counsel de oficio has not been overcome. No evidence appear on record that he had failed in his duty to advise appellants on what to do. It would be creating a dangerous precedent to say now that the advise to plead guilty by the appointed counsel de oficio was improvident. The period embraced from April 21, 1958, date of arraignment, and May 31, 1958, date of promulgation of the sentence, could have given the appellants or counsel, ample time to move, or complain if their plea of guilty was improvidently given.

* * * * *

"* * * it lies in the sound judicial discretion of the trial judge whether he will take evidence or not in any case wherein he is satisfied that a plea of guilty has been entered by the accused, with full knowledge of the meaning and consequences of his act.

"* * * but the trial judge must have been fully satisfied that the appellants entered their plea of guilty, with full knowledge of the meaning and consequences of their act, more so when, as in this case, the lives of the appellants were involved. The record does not reveal that appellants or counsel ever complained or protested at the time of arraignment that they did not understand the information and the effect of their plea of guilty." (People vs. Yamson, et al., 109 Phil., 795).

Here, appellant or counsel de oficio never complained to the trial court, at the arraignment or anytime thereafter, that the plea of guilt was not fully understood before it was made. Up to the present, no such claim has been made. The arraignment took place on March 15, 1958; the promulgation of judgment, on May 31, 1958. Appellant or his counsel could have acted in that intervening period but did not. Even after promulgation, nothing could have prevented appellant from protesting that he did not understand the meaning of his plea of guilt, but again, he did not. No other conclusion can follow than that appellant's plea of guilt was made with knowledge of its significance.

The crime committed being murder, qualified by treachery, and attended by at least five (5) aggravating circumstances, among which is quasi-recidivism; and there being only plea of guilt as mitigating, the death

penalty was correctly imposed by the trial court. As recommended by the Solicitor General, the indemnity to the heirs of the deceased should be increased to P6,000.00.

Modified only as to increase the indemnity to P6,000.00, the judgment under review is hereby affirmed in all other respects. No pronouncement on costs.

Bengzon, Acting C. J., Padilla, Bautista Angelo, Labrador, Reyes, J. B. L., Barrera, Paredes, and Dizon, JJ., concur.

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