

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. PEDRO GAITE, DEFENDANT AND APPELLANT.

G.R. No. L-7929. November 29, 1955

Ponente: PARAS, C.J.

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PARAS, C.J.:

The defendant-appellant was charged in the Court of First Instance of Romblon with parricide. The case was first called for trial on January 27, 1954, but as the appellant was without a lawyer, the court appointed Atty. Enrique Javier as his counsel de oficio, and at the latter's instance the hearing was postponed. At the hearing held on June 2, 1954, the appellant, assisted by Atty. Javier, pleaded guilty upon being arraigned. The court thereupon rendered a decision finding the appellant guilty of parricide and, in view of lack of instruction and voluntary plea of guilty, sentencing him to reclusion perpetua, with corresponding accessory penalties, to indemnify the heirs of the deceased Elias Gaité in the sum of P6,000, without subsidiary imprisonment, and to pay the cost. The appellant has appealed.

It is contended that the lower court erred in not allowing the appellant to make an explanation after his plea of guilty and in not considering the doubt as to whether he is the legitimate son of Elias Gaité. Counsel has made reference to a manifestation made by appellant's attorney de oficio in the lower court to the effect that while the appellant was willing to plead guilty, he wanted to explain; and that the court gave the information that, in such a case, the plea would be one of not guilty. Upon the other hand, the Solicitor General insists—and we think rightly—that the record of the proceedings on June 2, 1954 exclusively shows that the appellant, aided by Atty. Javier, entered the plea of guilty in open court, "with the result that he admitted not only his guilt but also the material allegation in the information that he is the legitimate son of the deceased Elias Gaité.

There is no pretense that the appellant was, even in the slightest degree, forced to enter a plea of guilty. On the contrary, he was assisted by his attorney de oficio who was reminded by the court about the effect of a qualified plea of guilty and who therefore had all the time and opportunity to adopt the proper course. And yet said attorney announced before the court appellant's readiness for the arraignment and merely requested that the information be read carefully to him.

In answer to the observation made in appellant's brief that during the preliminary investigation, Paula Guiguilian (appellant's mother) and Jose Lorenzo are alleged to have testified in such a way as to at least create a doubt as to appellant's legitimacy; it is sufficient to state that the alleged testimony, not being a part of the proceedings in the lower court, can not be taken into account.

Wherefore, the appealed decision is affirmed with costs against the appellant. So ordered.

Bengzon, Padilla, Montemayor, Reyes, A. Jugo, Bautista Angelo, Labrador, Concepcion, and Reyes, J.B.L., JJ., concur.

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