

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
RODOLFO ANDAYA AND CARLOS VILLARANTE, ACCUSED, RODOLFO  
ANDAYA, ACCUSED-APPELLANT.**

*G.R. No. L-29644. July 25, 1973*

Ponente: FERNANDO, J.

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**FERNANDO, J.:**

There is no difficulty attendant to the disposition of this automatic review of a death sentence imposed by the late Judge Manases G. Reyes on the accused Rodolfo Andaya.[1] To state the decisive issue is to make plain what the outcome would be. The grievance, a legitimate one at that, alleged by Andaya was that his conviction was made to rest on a plea of guilty made to a court not sufficiently alert to the need for the utmost care to be taken before the life of the person on the dock could be declared forfeit. There is an exigent need that the accused in admitting the commission of the offense charged does so of his own free will. Moreover, to make a reality of the constitutional presumption of innocence, the reception of evidence to support the allegations of the information and the aggravating circumstances is indicated more often than not. So we have stressed, especially lately from *People v. Apduhan*. [2] Such a duty is incumbent on every lower court. It is true such a decision was promulgated about seven months later than the sentence now under review. Nonetheless, the *Apduhan* doctrine is traceable to a 1907 decision by Justice Carson in *United States v. Rota* [3] and followed subsequently. [4] Deference to such a doctrine that has been so constantly reiterated, one such decision having been rendered only the other day [5] penned by Justice Castro, who was likewise the ponente in *Apduhan* leaves us no choice but to set aside the conviction of the accused and remand the case for a new trial.

How the proceedings were conducted in the lower court was set forth in the able brief of counsel de oficio, Jose W. Diokno. The offense for which the accused was indicted is murder, allegedly attended by the aggravating circumstances of recidivism and its commission at nighttime, as well as intoxication. After stating that there is no dispute as to the plea of guilty upon his being arraigned having been made, it continued: "But as to whether or not the accused Rodolfo Andaya was properly advised of the consequences of his plea, the records of the case do not thus show. Though, in the decision, the trial court has declared that, 'the Court propounded questions as to whether the accused fully understands the consequences of his plea', the transcript of stenographic notes do not bear this out. In such event, we believe, as to whether the accused Rodolfo Andaya was properly apprised of the consequences of his plea, the same should be resolved in his favor-that is, that he was not properly informed of the consequences." [6] On the above facts and relying on *People v. Sabilul*, [7] and *People v. Bulalake*, [8] it asked that the conviction be set aside and the case remanded for a new trial. All that the eight-page brief for the prosecution could allege after five petitions for extension sought and granted, dating from June 13, 1969 to October 9, 1969, was that there was a sufficient compliance with the requirements of the law, no reference at all being made to the trend quite noticeable as to the compelling force of *Apduhan*.

There is, to repeat, no predictable result to our automatic review except to grant the prayer that the case be remanded for a new trial. *Apduhan* and the twenty-one cases [9] thereafter decided in accordance with its

categorical requirement that there be due observance of the fundamental requirements of due process before a plea of guilty is accorded acceptance speak too plainly for the message to be misread. We pay due heed to what they say.

There is moreover this excerpt from *People v. Espiña*[10] that possesses relevance: "This Court has never been remiss in its oversight of the mode and manner in which lower courts discharge their judicial function, especially so in cases of this character. \* \* \* The recognition of the discretion possessed by the trial court to determine whether or not a plea of guilty has been improvidently made notwithstanding, it has been the constant concern of this Tribunal to require the most meticulous care on its part. This is to avoid a life being forfeited even if there be circumstances that would militate against such a conclusion. It is highly desirable that evidence be taken to erase any doubt as to the degree of culpability of the accused before a death sentence is imposed. Considering all the awesome consequences that is entailed, such degree of circumspection is a must. To such an approach, both defense and the prosecution remain, as they should be, committed." [11] The *Espiña* decision likewise stressed why such an approach is demanded by the due process guarantee. Thus: "It is not to be lost sight of that insofar as an accused person is concerned, this all-embracing requirement of fairness found in the first paragraph of Section 1 of the Bill of Rights, is made even more categorical in paragraph 15 thereof, which unmistakable language precludes his being 'held to answer for a criminal offense without due process of law.' This clause was explained by the then Delegate Laurel in his sponsorship address on the provision on the Bill of Rights as an embodiment of the doctrine in *Ong Chang Wing v. United States*. What is immediately apparent is that the procedural aspect of due process insofar as an accused is concerned by this specific constitutional guarantee is further emphasized." [12] Further from the same opinion: "It only remains to be added that as of [the time when the 1935] Constitution was drafted, it was already a settled principle of law that where a plea of guilty is entered in a case that may result in the imposition of the death penalty, it must be 'made under the conditions indicated, that is to say on arraignment, freely and voluntarily, as an express admission of the guilt of the accused of the offense with which he is charged, and with full knowledge of the consequences and the meaning of his act.'" [13]

WHEREFORE, the decision of the lower court of February 7, 1968 finding the accused guilty of murder and sentencing him to death is hereby set aside and the case remanded to such court for further proceedings in accordance with this opinion. Without pronouncement as to costs.

Makalintal, (Acting. C.J.), Ruiz Castro, Teehankee, Antonio, and Esguerra, JJ., concur.

Makasiar, J., took no part.

Zaldivar and Barredo, J., on leave.

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[1] His co-accused Carlos Villarante pleaded not guilty. His case is not the subject of this review.

[2] G.R. No. L-19491, August 30, 1968, 34 SCRA 798.

[3] 9 Phil. 426.

[4] Cf. *United States v. Dineros*, 18 Phil. 566 (1911); *United States v. Agcaoili*, 31 Phil. 91 (1915); *United States v. Jamad*, 37 Phil. 305 (1917); *People v. Sabilul*, 89 Phil. 283 (1951); and *People v. Bulalake*, 106 Phil. 767 (1959).

[5] *People v. Alamada*, G.R. No. L-34594, July 13, 1973.

[6] Brief for Rodolfo Andaya, 3-4.

[7] 89 Phil. 283 (1951).

[8] 106 Phil. 767 (1959).

[9] Cf. *People v. Apduhan*, G.R. No. L-19491, Aug. 30, 1968, 24 SCRA 798; *People v. Solacito*, G.R. No. L-29209, Aug. 25, 1969, 29 SCRA 61; *People v. Serafica*, G.R. No. L-29029, Aug. 28, 1969, 29 SCRA 123; *People v. Englatera*, G.R. No. L-30820, July 31, 1970, 34 SCRA 245; *People v. Aguilar*, G.R. No. L-30932, Jan. 29, 1971, 37 SCRA 115; *People v. Estebia*, G.R. No. L-26868, July 29, 1971, 40 SCRA 90; *People v. Flores*, G.R. No. L-32692, July 30, 1971, 40 SCRA 230; *People v. Alincastre*, G.R. No. L-29891, Aug. 30, 1971, 40 SCRA 391; *People v. Valera*, G.R. No. L-30039, Feb. 8, 1972, 43 SCRA 207; *People v. Francisco*, G.R. No. L-30763, June 29, 1972, 45 SCRA 451; *People v. Espiña*, G.R. No. L-33028, June 30, 1972, 45 SCRA 614; *People v. Esteves*, G.R. No. L-34811, Aug. 18, 1972, 46 SCRA 680; *People v. Baylosis*, G.R. No. L-34014, Sept. 8, 1972, 47 SCRA 5; *People v. Simeon*, G.R. No. L-33730, Sept. 28, 1972, 47 SCRA 129; *People v. Matias*, G.R. No. L-35384, Nov. 28, 1972, 48 SCRA 181; *People v. Daeng*, G.R. No. L-34091, Jan. 30, 1973, 49 SCRA 221; *People v. Ricalde*, G.R. No. L-34673, Jan. 30, 1973, 49 SCRA 228; *People v. Martinez*, G.R. No. L-35353, April 30, 1973; *People v. Silvestre*, G.R. No. L-33821, June 22, 1973; *People v. Busa*, G.R. No. L-32047, June 25, 1973 and *People v. Alamada*, G.R. No. L-34594, July 13, 1973.

[10] G.R. No. L-33028, June 30, 1972, 45 SCRA 614.

[11] *Ibid*, 617-618.

[12] *Ibid*, 618-619. The provision on the due process requirement as far as an accused is concerned is now found in Article IV, Section 17 of the Revised Constitution.

[13] *Ibid*, 619.

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