

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
DANILO VILLAFUERTE, ANTONIO LILA AND NICOMEDES
BAGAPURO, DEFENDANTS-APPELLANTS.**

G.R. No. L-32036. July 31, 1973

Ponente: CASTRO, J.

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CASTRO, J.:

The defendants Danilo Villafuerte, Antonio Lila and Nicomedes Bagapuro were indicted in the Court of First Instance of Occidental Mindoro, in its criminal case R-43, for the crime of murder, upon an (amended) information which recites:

"That on or about the 29th day of October, 1969, at around 10:30 in the morning, at Sitio Manamlay, Barrio Pag-asa, Municipality of Sablayan, Province of Occidental Mindoro, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused together with Danilo Garcia who is still at large, conspiring and confederating together and helping one another, and armed with boloes, did then and there willfully, unlawfully and feloniously, with intent to kill and treachery, attack, assault and strike Loreto Mangyan with said boloes, thereby inflicting upon said Loreto Mangyan mortal wounds on different parts of the body which had been the cause of his instantaneous death.

"That accused Danilo Villafuerte is a recidivist, he having been previously convicted by final judgment of the crime of frustrated murder, a crime embraced in the same title of the Revised Penal Code, that is, crimes against persons under which the present charge is covered, and likewise a quasi-recidivist, considering that at the time of the commission of the crime charged he was then still serving the penalty for the aforesaid crime of frustrated murder of which he had as aforesaid been previously convicted by final judgment; while accused Antonio Lila and Nicomedes Bagapuro are likewise both quasi-recidivists, they having been both previously convicted by final judgment of the crime of robbery and still serving their respective penalties for said crime of robbery."

Following their pleas of guilty, all the three defendants were sentenced to death and ordered to indemnify the heirs of their victim, jointly and severally, in the sum of P12,000 and to pay the costs.

The late Constitutional Convention Delegate E. Voltaire Garcia II, whom this Court appointed counsel de oficio for the defendants, in the brief filed by him on August 17, 1970, asked that the judgment of the trial court be set aside on the ground that the defendants' pleas of guilty were entered improvidently. Two related questions are posed: first, whether the defendants fully understood the precise nature and effect of their affirmative pleas, and, second, whether the trial court took adequate steps and observed the proper degree of diligence to ascertain this fact.

The entire proceedings had before the trial court, as shown by the record, were brief. We faithfully quote the entire transcript:

"CLERK OF COURT:

The accused Your Honor, having been individually asked whether they have counsel, manifested that they have none and manifested also that they are willing that a counsel de oficio be appointed in their behalf.

"COURT:

All right, Atty. Jesus Sta. Romana is hereby appointed counsel de oficio for them. Atty. Sta. Romana, confer with the accused.

"ATTY. STA. ROMANA:

With the permission of the Honorable Court. After having been conferred with the accused Danilo Villafuerte, Antonio Lila and Nicomedes Bagapuro, they signified their intention to enter a plea of guilty to the crime charged against them and also waived their right for the reading of the information and further signified also that in the event Danilo Garcia will be apprehended, they are willing to act as state witness.

"COURT:

This is a serious case of murder, imposing the penalty of death. You read the information to them and inform all the accused so that they evidently understand if there are aggravating circumstances present in the information. Likewise inform them of the consequence of their plea of guilty.

"CLERK OF COURT:

(Reading the information to the accused, at the same time explaining)

"ATTY. STA. ROMANA:

The accused, Your Honor, after having been informed of the consequence of the case against them of their plea of guilty, they likewise manifested that they are willing to enter to a plea of guilty to the crime charged.

"COURT:

Alright make it of record that the information was read by the Clerk of Court and having explained to them, they manifested that they are aware of the consequence of the plea of guilty which may carry the maximum penalty of death. Decision reserved."

- One fact, glaringly evident from the foregoing, is underscored by the Solicitor General, counsel for the People of the Philippines, who joins counsel de oficio in faulting the decision of the trial court: the three defendants were mute throughout the entire proceeding. Even the solemn declaration of "guilty" was not made by any of the three accused personally, contrary to the mandate of Sec. 3 of Rule 118 of the Rules of Court.[1] The counsel de oficio below, who appears to have had no previous contact with the defendants, dominated the scene. The proceedings had before the court a quo were obviously attended by haste and complete disregard of the solicitous care with which pleas of guilty, especially in capital offenses, should be treated. Instead of personally insuring that the defendants clearly and fully understood the seriousness of the offense charged and the severity of the penalty attached to it, the judge a quo chose merely to delegate to his clerk of court the crucial matter of explaining to the defendants the information and its meaning. Because of the absence in the record of whatever dialogue the judge or the clerk of court might have had with the defendants, serious doubt is engendered as to whether the three accused completely understood the full meaning, significance and implications of their pleas of guilty.

- It is noteworthy that the counsel de oficio below, after manifesting that his clients intended to enter pleas of guilty, further declared that in the event one Danilo Garcia would be apprehended, the defendants would willingly act as state witnesses. This additional manifestation regarding their turning state witnesses may be interpreted as, among other things, an overture to the Government for some acceptable arrangements favorable to the defendants. It is to be remembered, in this connection, that a state witness may be wholly discharged from the information if his testimony is of absolute necessity and he does not appear to be the most guilty.[2] It would thus seem that the defendants might have entertained reservations regarding their pleas of guilty.

- Finally, there is no law prohibiting the taking of testimony after a plea of guilty is entered by the accused.[3] Where an accused is charged with a capital offense, the taking of testimony is the prudent and proper thing to do, for the purpose of establishing the guilt and precise degree of culpability of the defendant, notwithstanding his plea of guilty.[4] Had this procedure been observed by the trial court in the case at bar, consistently urged by this Court in the past, the evidence obtained would have dispelled all doubt that the defendants misapprehended the nature and effect of their pleas of guilty.

"In sum and substance, it will not suffice, under the law providing for compulsory review of death sentences by this Court, that the accused's plea of guilty is admitted and, on the basis thereof, that judgment is summarily rendered. The essence of judicial review in capital offenses is that while society allows violent retribution for heinous crimes committed against it, it always must make certain that the blood of the innocent is not spilled, or that the guilty are not made to suffer more than their just measure of punishment and retribution. Thus, a judgment meting out the penalty of death is valid only if it is susceptible of a fair and reasonable examination by this Court."[5]

ACCORDINGLY, the decision appealed from is set aside. This case is hereby remanded to the court a quo for a new arraignment of the defendants Danilo Villafuerte, Antonio Lila and Nicomedes Bagapuro, and for further proceedings in accordance with law and consistently with the views herein expressed. Costs de oficio.

Makalintal, Acting C.J., Fernando, Teehankee, Barredo, Makasiar, and Esguerra, JJ., concur.
Zaldivar and Antonio, JJ., took no part.

[1] "SEC. 3. Plea of guilty to be entered by defendant himself except in minor offenses. - A plea of guilty can be put in only by the defendant himself in open court, except where the charge is for a misdemeanor or a minor offense in which the penalty that may be imposed is a fine not exceeding two hundred pesos (P200), in which case

the plea of guilty may be entered on defendant's behalf by his authorized counsel." (Rule 118)

[2] Section 9, Rule 119, Revised Rules of Court.

[3] U.S. vs. Rota, 9 Phil. 426; U. S. vs. Agcaoili, 31 Phil. 91; U.S. vs. Talbanos, 6 Phil. 541; U.S. vs. Jamad, 37 Phil. 305.

[4] U.S. vs. Jamad, supra; People vs. Bulalake, 106 Phil. 767; People vs. Arpa, G.R. No. L-26789, April 25, 1969, 27 SCRA 1037; People vs. Espiña, G.R. No. L-33028, June 30, 1972, 45 SCRA 614; People vs. Simeon, G.R. No. L-33730, Sept. 28, 1972; People vs. Silvestre, G.R. No. L-33821, June 22, 1973; People vs. Busa, G.R. No. L-32047, June 25, 1973; People vs. Alamada, G.R. No. L-34594-95, July 13, 1973.

[5] People vs. Busa, supra.

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