

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ROLLY ALBERT Y OLIVER, ACCUSED-APPELLANT.*G.R. No. 114001. December 11, 1995*

Ponente: REGALADO, J.

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Upon a plea of guilty, the Regional Trial Court, Branch 71, of Iba, Zambales convicted on January 17, 1994 accused-appellant Rolly Albert y Oliver of the crime of murder and sentenced him to suffer the penalty of reclusion perpetua, to pay the costs, and to indemnify the heirs of the victim in the amount of P50,000.00 without subsidiary imprisonment in case of insolvency.[1] Its condemnatory decision, of amazing brevity, consists of the caption and the entire text typed double-spaced over two and a half pages of prescribed legal cap.

Notwithstanding his entry of said plea, appellant now impugns the judgment of the trial court as being flawed by procedural and substantive errors. Since it will bear hindsight value in appreciating our disposition of this appeal, it is worth noting that, despite the simplicity of the proceedings, the original case record reveals a veritable "rigodon de jueces y defensores." The arraignment on February 11, 1991, pre-trial conference on March 4, 1991, hearings of March 18, 1991 and April 15, 1991, and the intermediate proceedings were handled by Judge Rodolfo V. Toledano. On April 18, 1991, the case was ordered consolidated with Criminal Case No. RTC 908-I in Branch 71, and the hearings of August 13, 1991 and September 17, 1991 were presided over by Judge Santiago C. Maliwanag. The hearings of October 19, 1993 and December 2, 1993, as well as the writing of the decision, were thereafter left to Judge Romulo M. Estrada.

Throughout these proceedings, appellant was successively represented by counsel de oficio, namely, Attys. Reynaldo Tarongoy and Servillano Abad of the erstwhile Citizens Legal Assistance Office (CLAO) and, thereafter, by Attys. Froilan Quintillan, Jaime Dojello and Consuelo Bocar of the Public Attorney's Office (PAO). While we do not fault them with the imputed lack of dedication bewailed in *People vs. Dayot*,[2] the segmented discontinuity of the duties of legal assignments farmed out to them in seeming random fashion is a disquieting feature in this case.

Appellant's star-crossed odyssey is typical of that undergone by many impoverished young men in the countryside who, in their search for the proverbial greener pastures, end up in unfortunate and unexpected situations such as the present plight of appellant. Sometime in the late 1980's, Rolly Albert, with only a fourth grade schooling to shore his sagging prospects, left his hometown of San Pablo in Southern Leyte and headed for Cabangan, Zambales to scout for employment. There, he soon found work as a helper in a bakery owned by one Alicia Tingho. On December 24, 1990, appellant, for no apparent reason at all, stabbed to death Alfonso Quimen and wounded two others, namely, Marcelino Mendoza and Lito Ladao. The three were his co-workers at the "Big A Bakery." [3]

Appellant was prosecuted for murder in the slaying of Alfonso Quimen, which charge was initially lodged as Criminal Case No. RTC-926-I in Branch 69 of the Regional Trial Court of Iba, Zambales, and for frustrated

homicide in the assault against Marcelino Mendoza, docketed as Criminal Case No. 908-I assigned to Branch 71 of the said trial court. He later pleaded guilty to a lesser offense in the charge of frustrated homicide.[4] The records do not reflect any criminal proceeding with regard to the injury inflicted on Lito Ladao, although this person testified thereon and the incident involved as a prosecution witness.

When first arraigned on February 11, 1991 in Criminal Case No. RTC-926-I, appellant entered a plea of not guilty and the case went to trial. On September 17, 1991, the prosecution rested its case after it had presented four witnesses, namely, Dr. Fredesvinda D. Encarnacion, Marcelino Mendoza, Lito Ladao, and Alicia Tingho,[5] who testified on March 18, 1991, April 15, 1991, August 13, 1991, and September 17, 1991, respectively, before different judges.

Appellant's scheduled appearance as witness for himself was deferred when the trial court, in an order dated June 15, 1992, directed his confinement at the National Center for Mental Health in Mandaluyong, Metro Manila for psychiatric evaluation and treatment as he appeared to be suffering from some form of mental illness.[6] The trial court stated that a provincial jail guard and the judge himself observed that the accused was acting abnormally, which fact was confirmed by the senior resident physician of the Integrated Health Office at Iba, Zambales as a personality disorder.

In its first report to the trial court dated August 28, 1992, signed by Dr. Edison C. Galindez, Medical Officer III, the National Center for Mental Health noted that appellant was "suffering from Psychosis or Insanity classified under Schizophrenia." As it was the opinion of the medical officer that appellant was incompetent to stand trial, he recommended that appellant remain at the institution for further treatment and confinement. It was only on May 21, 1993, that appellant was recommitted to jail upon the observation and recommendation of said medical center that appellant's mental condition had improved and he could already withstand the rigors of court proceedings. His medical discharge was, however, with the specific advice that he should undergo "regular monthly check-up at Zambales Provincial Hospital, Iba, Zambales to prevent relapse of his psychotic symptoms." Although the trial court issued an order to the Provincial Warden or his representative to arrange such check-ups,[7] it does not appear that the same was complied with even once.

On October 19, 1993, appellant finally testified in his behalf. In the course of his direct examination, he suddenly blurted out, "I admit it. `Aaminin ko yan.'" When pressed by his lawyer as to whether he was admitting his participation in the killing of Alfonso Quimen, appellant replied, "Yes, I will admit." Hence, without objection from the prosecution, appellant's counsel then moved, and it was so allowed by the trial court, that there be another arraignment and that his client's earlier plea be withdrawn and a plea of guilty be recorded in lieu thereof.[8]

A supposed re-arraignment was forthwith conducted on the same day in Tagalog, a dialect which appellant Rolly Albert allegedly understood, after counsel for appellant, upon the instructions of the trial court, reportedly conferred with and explained to him the import of entering a plea of guilty.[9] On December 2, 1993, appellant was again called to the witness stand upon the theory of the trial court that since he had pleaded guilty to a grave offense, he should be heard again in order to establish the precise degree of his culpability, and to determine as well "whether he really and truly comprehended the meaning and full significance of his plea." The defense then rested its case[10] and, with that, the trial court rendered its judgment which is now being assailed before us.

In this appellate review, appellant cites as reversible errors (1) the alleged failure of the trial court to make sure that he fully understood the import and consequence of his plea of guilty to the capital offense charged in the information; (2) the order of the trial court allowing appellant to change his previous plea of not guilty to a conditional plea of guilty; and (3) his conviction by the trial court despite the fact that his plea of guilty was

improvidently entered.[11]

The controversy over improvident pleas of guilty dates back to the early years of the American administration, developed into a furor over the succeeding years, subsided during the martial law regime, and was sidelined but occasionally invoked when the 1987 Constitution proscribed the imposition of capital punishment. With the return of the death penalty for heinous crimes, it is high time for the trial courts to review and reflect upon the jurisprudential and statutory rules which evolved over time in response to the injustice created by improvident pleas acknowledging guilt, at times belatedly discovered under the judicial rug, if at all.

More than twenty years ago, this Court, lamenting the action of a trial judge for imposing the extreme penalty of death without having taken any of the safeguards in law and in foro conscientiae, trenchantly declared:

"Indeed, in view of the grave consequences of a plea of guilty to a capital offense, this Court in no less than a dozen decisions prior to the judgment now under review, and reaffirmed in numerous subsequent decisions, has consistently set forth certain guidelines to be observed by trial courts, not only to forestall improvident pleas of guilty but also to determine the precise degree of culpability of the accused." [12]

We advert to this pronouncement, both as a caveat and as a reminder of the oft-stated apprehension, trite as it may now appear, that he who does not learn from the mistakes of the past is bound to repeat them. The case at bar exemplifies that regression.

1. It should be stressed at the outset that notwithstanding the proscription at the time against the imposition of death as a punishment, the offense of murder, which prior to the effectivity on December 31, 1993 of Republic Act No. 7659[13] carried with it the penalty of reclusion temporal in its maximum period to death and with which appellant was charged before the court a quo, was and continued to be considered as a capital offense. In case death was found to be the imposable penalty, the same would only have to be reduced to reclusion perpetua in view of the prohibition against the imposition of the capital punishment, but the nature of the offense of murder as a capital crime, and for that matter, of all crimes properly characterized as capital offenses under the Revised Penal Code, was never tempered to that of a non-capital offense.[14]

This we stress since the Solicitor General makes the surprising submission that because the 1987 Constitution prohibited the imposition of the death penalty until Congress should subsequently authorize its reimposition, the felony of murder with which appellant was charged in 1990 ceased to be a capital offense. Ergo, so he theorizes, Section 4, Rule 116 of the 1985 Rules on Criminal Procedure,[15] which requires the trial court to conduct a searching inquiry into the voluntariness and full comprehension of the consequences of an accused's plea of guilty to a capital offense, does not apply and cannot be invoked by appellant. This borders on sophistic reasoning.

The People's tribunal has obviously fallen into the layman's misconception that the 1987 Constitution "abolished," and not merely proscribed conditionally the imposition of, the death penalty. He failed to note that in enumerating the cases within the exclusive appellate jurisdiction of the Supreme Court, Section 5(d), Article VIII thereof speaks of criminal cases in which the penalty is reclusion perpetua "or higher." He overlooks the fact that the death penalty remained in special statutory provisions and in the Revised Penal Code, such as the scales of penalties in Articles 25, 70 and 71 thereof, aside from capital punishment for specific felonies therein. Nor did he consider that the 1985 Rules on Criminal Procedure provided rules governing the death penalty in, inter alia, Sections 3 and 4 of Rule 114, Section 3 of Rule 116, Secs. 3(e), 7 and 10 of Rule 122, and Sec. 13 of Rule 124. He even appears oblivious to the fact that for offenses committed prior to but decided by this Court under the aegis of Section 19(1), Article III of the 1987 Constitution and before December 31, 1993, it had already and consistently required the application of the mandatory rule in Section 3 of Rule 116.[16]

That being the case, Section 3, Rule 116 of the 1985 Rules on Criminal Procedure governing a plea of guilty to a

capital offense squarely finds application in the case at bar. It prescribes, and requires in mandatory language, that:

"When the accused pleads guilty to a capital offense, the court shall conduct a searching inquiry into the voluntariness and full consequences of his plea and require the prosecution to prove his guilt and the precise degree of culpability. The accused may also present evidence on his behalf."

The rationale behind the rule is that courts must proceed with more care where the possible punishment is in its severest form — death — for the reason that the execution of such a sentence is irrevocable and experience has shown that innocent persons have at times pleaded guilty.[17] The primordial purpose then is to avoid improvident pleas of guilt on the part of an accused where grave crimes are involved since he might be admitting his guilt before the court and thus forfeit his life and liberty without having fully understood the meaning, significance, and consequences of his plea.[18] Moreover, the requirement of taking further evidence would aid the Supreme Court on appellate review in determining the propriety or impropriety of the plea.[19]

Said Section 3, Rule 116 is a substantially modified version of Section 5, Rule 118 of the 1964 Rules of Court which provision was, in turn, a reproduction of Section 5, Rule 114 of the 1940 Rules of Court.[20] On the other hand, this pertinent provision in the 1940 rules regarding pleas was patterned after Section 229 of the Criminal Procedure of the American Law Institute.[21] Under both the 1940 and 1964 criminal procedure rules, there was no distinction as to the offense to which an accused registered a guilty plea, whether it be a capital or non-capital offense. Moreover, the reception of evidence appeared to be and was discretionary upon the trial court.

Under the present procedure, a plea of guilty to a capital offense is now to be treated by trial courts in the manner laid down in Section 3 of Rule 116, while Section 4 of the same rule governs the case involving a guilty plea to a non-capital crime. In the latter instance, the acceptance of a plea of guilty with the concomitant passing of sentence on the basis thereof is a matter of course, although the court may receive and consider evidence from the parties for the purpose only of determining the penalty to be imposed.

Thus, formerly, there was no statutory rule mandating that, upon entry of a guilty plea to a capital offense, evidence should be adduced before the court concerned could impose the corresponding punishment for the offense upon which that plea was predicated. This stemmed from the evidential nature and legal consequence of a plea of guilty that, since the accused had himself supplied the necessary proof regarding his guilt, the court could dispense with the further taking of evidence as the plea would suffice and sustain his conviction of the offense charged in the information.[22] This was the guiding rule on which courts early on rendered judgments of conviction based only on a judicial confession or admission of guilt and it was so regardless of the nature of the offense subject of the plea.

On the other hand, as early as the 1906 case of *U.S. vs. Talbanos*,[23] and reiterated a year later in *U.S. vs. Rota, et al.*,[24] this Court had already warned and cautioned against the taking of a plea of guilty without evidence in support thereof, especially in cases where the accused faced extreme retribution. Thus, in *Talbanos*, it was held that "x x x in all cases, and especially in cases where the punishment to be inflicted is severe, the court should be sure that the defendant fully understands the nature of the charges proffered against him and the character of the punishment to be imposed before sentencing him. While there is no law requiring it, yet in every case under the plea of guilty where the penalty may be death it is advisable for the court to call witnesses for the purpose of establishing the guilt and the degree of culpability of the defendant."

Ensuing case law[25] on the matter consistently echoed those cautionary words intoned in the pioneering case of *Talbanos* until the Supreme Court deemed it necessary to incorporate the same in the 1985 Rules on Criminal Procedure, in what is now Section 3, Rule 116 thereof, largely because of the confused application adopted or the

apathetic indifference exhibited by the courts and lawyers in the decades that followed the Talbanos doctrine. Indeed, the legal community sometimes appears to be unmindful of the paramount importance of a valid arraignment, forgetting that it is the stage when the issues are joined in the criminal action and without which the proceedings cannot advance further or, if held, will otherwise be void.

2. As a plea of guilty is in fact a judicial confession of guilt which when filed generally results in the admission of all the material facts alleged in the complaint or information, including aggravating circumstances,[26] only a clear, definite, and unconditional plea of guilty by an accused must be accepted by trial courts. It is regarded as a mitigating circumstance when seasonably interjected, that is, before the prosecution presents its evidence.[27]

Where a capital offense like murder becomes the subject of a positive plea, it becomes imperative for the trial court to administer a searching inquiry and receive evidence undisputedly showing that the accused admits his guilt freely, voluntarily, and with full knowledge of the consequences and meaning of such a plea. Furthermore, the court cannot, and should not, relieve the prosecution of its duty to prove the guilt of the accused and the precise degree of his liability through the requisite quantum of evidence. The accused, however, when he wishes to establish the presence of mitigating circumstances in his favor, is not altogether foreclosed from adducing evidence in his behalf for that purpose.[28]

The procedure followed by the trial court in the case under review in respect of the affirmative plea of appellant was not in scrupulous adherence to the requirements of Section 3, Rule 116. To be sure, the withdrawal of appellant's earlier plea of not guilty and the entry of a plea of guilty in substitution of the same was generally allowable even after the prosecution was through with its presentation of evidence although, as adverted to above, said plea could no longer be considered as an extenuating circumstance. As a matter of fact, under the settled rule that a decision based on an irregular plea may nevertheless be upheld where the judgment is supported by other adequate evidence on record,[29] the court a quo, even without accounting for the defective guilty plea, could very well have rendered a judgment of conviction considering that the prosecution had already presented its evidence and the accused had testified in his defense.

What perturbs this Court is that the trial court, in its two and a half page decision, banked its finding of guilt solely on the plea of appellant when it could definitely have done much more than that. In fact, a scrutiny of the transcripts appears to indicate the presence of the mitigating circumstances of voluntary surrender[30] and, at the very least, mental illness diminishing the exercise of will power by appellant. More importantly, as will hereafter be elaborated on, there is a strong suggestion of the exempting circumstance of insanity, which appellant should have been afforded the opportunity to establish in, or could have been ordered to be further ascertained by, the trial court. If only for these, there is a paramount and exigent need to remand the case at bar to the court below for further appropriate proceedings to disperse that source of the doubt weighing heavily on the conscience of the Court.

Foremost among the irregularities in the case of appellant's plea is the manner in which the lower court received the same without having itself conducted the requisite "searching inquiry" where it could and should have determined whether his plea possessed all the requirements of an acceptable plea.[31] The evidence on record clearly bears out the fact that it was counsel for appellant, and not the trial court, who purportedly explained to him the significance and consequence of a guilty plea and this the counsel did on the errant instruction of the trial court. But, neither did the court ascertain and make of record the explanation, advice and warning given by said counsel to appellant. In short, the court uncaringly abdicated and improperly delegated its task of determining whether appellant had full comprehension of the import and consequences of his plea to the latter's counsel de oficio, in complete derogation of the rules thereon. Even then, the supposed conference afforded appellant and his counsel sorely lacked the requisite procedural sufficiency and validity in point of time and substance.

The record discloses this pitifully regrettable charade which we quote in extenso:

"Q Marcelino Mendoza and Lito Ladao testified in Court that you stabbed to death Antonio Quimen, what do you say to that?

A No ma'm, I did not sta(b) Antonio Quimen.

FISCAL NACIN:

It is not Antonio Quimen but Alfonso Quimen.

ATTY. BOCAR:

Yes, your honor, I stand corrected, it is not Antonio Quimen but Alfonso Quimen.

WITNESS:

I admit it. "Aaminin ko yan."

ATTY. BOCAR TO WITNESS:

Q You said Mr. Witness that you have involvement to the killing of Antonio Quimen, do you confirm to (sic) that?

A. Yes, I will admit.

ATTY. BOCAR:

Your Honor, please, considering the admission of the witness, may we move for cancellation of today's setting because I will confer with him if he intends to withdraw his former plea of not guilty.

FISCAL NACIN:

He said now, he should withdraw his plea of not guilty to the crime charge(d), which is murder.

COURT:

It is already appearing in the record of this Court and we can no longer remove that from the record.

FISCAL NACIN:

Plea bargaining, that is the most we can do.

COURT:

What plea bargaining?

FISCAL NACIN:

The prosecution ha(s) already rested this case and it is the turn of the defense to present its evidence and it is up to the Court...

ATTY. BOCAR:

Because he just testified and he was not conscious of what happened, and that in the light of such admission, it is in the interest of justice that accused might as well change his plea of not guilty to that of 'guilty' and the penalty...

FISCAL NACIN:

It is up to the Court.

COURT:

Straight twenty.

FISCAL NACIN:

May we request that the accused be rearraigned and withdraw his former plea of not guilty.

COURT:

Atty. Bocar, will you explain to him all the consequences.

ATTY. BOCAR:

We are ready your Honor, your honor please, after conferring with the accused and after fully explaining the consequences of a plea of guilty to the charg(e) of murder and accused is extending a decision to withdraw his earlier plea of not guilty to the charg(e) to plea of guilty.

COURT:

Your manifestation was motivated by the fact that accused admitted in his direct examination his involvement (in) the crime charged.

ATTY. BOCAR:

Your honor please, may we know the comment of the public prosecutor.

COURT:

Fiscal, what is your comment.

FISCAL NACIN:

We have no objection to the withdrawal of former plea of not guilty and substituting it with a plea of guilty to the crime charged and I observed that during the direct testimony of this accused Rolly Albert y Oliver that he admitted having killed or stabbed to death Alfonso Quimen.

COURT:

Is the public prosecutor recommending penalty, considering that the accused is changing his plea of not guilty to a plea of guilty?

FISCAL NACIN:

We have presented four witnesses, your Honor, after which this accused has withdrawn his plea of not guilty and substituting it (with) guilty. We submit to the sound discretion of the Honorable Court.

MS. RAGADIO:

Accused when re-arraigned pleaded guilty to the charge in the Information.

COURT:

Let's set the promulgation of Judgment on what date.

FISCAL NACIN:

November 25, 1993."^[32] (Italics and corrections supplied)

What is readily apparent in the above exchanges is that appellant could not have clearly and fully understood the nature of the offense with which he was charged and the significance and consequences of the plea that he entered in regard thereto. The record is completely bereft of any indication that he was duly advised by the trial court as to what a plea is all about and that the offense to which he pleaded was as serious as it really is.

The records do not even disclose that the contents of the information, with its attendant allegations of evident premeditation and treachery, were read, translated, and clearly explained to him in a language or dialect that he understood. There is, to be sure, a "Certificate of Arraignment" issued on the same day by Officer-in-Charge Roselyn Ragadio attesting that appellant had been informed of the nature of the accusation filed against him "by reading the information in Tagalog x x x and delivering to him a copy thereof including a list of witnesses, x x x." [33] The Court likewise issued an order which pertinently reads:

"The Court instructed Atty. Consuelo Bocar to explain fully to the accused the consequences should he now plead guilty to the crime. After Atty. Consuelo Bocar has thoroughly explained to the accused all the consequence(s) of withdrawing his plea of not guilty and entering a plea of guilty, the accused was re-arraigned in Tagalog, a dialect which he understands, and eventually entered a 'Plea of Guilty' to the crime charged in the Information." [34]

Yet, there is no transcript of the stenographic notes of the supposed re-arraignment which would reveal what actually took place, what words were spoken, what warnings were given, how the translation was made, and whether or not the provisions of Sections 1 and 8, Rule 116 on arraignment with the aid of counsel de oficio were duly observed. This Court has heretofore emphasized the need for and the importance of such transcripts. [35] Worse, on August 19, 1993, Judge Estrada had even issued an order granting a resetting of the trial on motion of Atty. Bocar "on the ground that her client cannot talk in Tagalog but in Visaya and is reluctant to speak." [36] There is no showing in the records that the trial court had at any time in the proceedings in this case availed itself of the services of an interpreter, conversant with the Visayan "Waray" regional language, to assist and explain to appellant what must have appeared to him as unfamiliar and mysterious rituals and jargon.

Consequently, it would not be reasonable to assume that, on the foregoing ambient facts, appellant completely comprehended the legal significance of a guilty plea, the nature of the crime concerning that plea, and the meaning of highly technical terms including the qualifying and aggravating circumstances of treachery and evident premeditation, given his lowly educational background which only reached the fourth grade of elementary school, aggravated by mental instability to boot. What is, therefore, distressing here is that, in the face of all the foregoing facts which must have been obvious to the trial court, it made no effort whatsoever to ascertain and insure by itself through "searching inquiry" whether or not appellant had truly and fully comprehended his affirmative plea and realized its consequences beyond the pale of doubt.

On a court's gavel invariably rests at the outset the duty to explain to the accused, who pleads guilty on arraignment to a charge that carries the penalty of capital punishment, the precise nature of the accusation leveled at him and the effect of the attendant circumstances contained and alleged in the information. These tasks must be faithfully carried out by the court in order to forestall the entrance of improvident pleas. Where it appears that the accused has been advised by his counsel on these matters, it behooves the court to ascertain from the accused himself the explanations given him by his counsel and to know if the latter actually understood the same. [37]

The case of *People vs. Dayot* [38] is instructive of the duties and responsibilities imposed upon trial courts by Section 3 of Rule 116, to wit:

"A 'searching inquiry', under the Rules, means more than informing cursorily the accused that he faces a jail term (because the accused is aware of that) but so also, the exact length of imprisonment under the law and the certainty that he will serve time at the national penitentiary or a penal colony. Not infrequently indeed, an

accused pleads guilty in the hope, as we said, of a lenient treatment, or upon a bad advice or promises of the authorities or parties of a lighter penalty should he admit guilt or express 'remorse'. It is the duty of the judge to see that he does not labor under these mistaken impressions, because a plea of guilty carries with it not only the admission of authorship of the crime proper but also of the aggravating circumstances attending it, that increase punishment.

"A 'searching inquiry' likewise compels the judge to content himself reasonably that the accused has not been coerced or placed under a state of duress -- and that his guilty plea has not therefore been given improvidently -- either by actual threats of physical harm from malevolent quarters or simply because of his, the judge's, intimidating robes. The trial judge should have so satisfied himself in the case at bar, considering especially the tender years of the accused (who was about twenty at the time of the trial) and his vulnerability to ill-advised suggestions from outside influences.

"Above all, the trial judge must satisfy himself that the accused, in pleading guilty, is truly guilty. This is possible, say, by requiring him to narrate the tragedy or, say, by making him reenact it, or by causing him to furnish missing details.

"While there can be no hard and fast rule as to how a judge may conduct a 'searching inquiry,' as to the number and character of questions he may put to the accused, or as to the earnestness with which he may conduct it, since each case must be measured according to its individual merit, taking into consideration the age, educational attainment, and social status of the accused confessing guilt, among other things, the singular barometer is that the judge must in all cases, fully convince himself that: (1) the accused, in pleading guilty, is doing so voluntarily, and (2) he, in so doing, is truly guilty, and that there exists a rational basis for a finding of guilt, based on his testimony. This Court leaves to judges, considering their training, ample discretion, but expects them at the same time, that they will be true to their calling and be worthy ministers of the law.

"Judges therefore must be cautioned, toward this end, against the demands of sheer speed in disposing of cases, for their mission after all, and as has been time and again put, is to see that justice is done."

3. On still another aspect, the trial court failed to consider that appellant was in fact making a conditional plea of guilt, in which case, it should have vacated such a plea and reinstated appellant's former negative plea. It is the essence of a plea of guilty that the accused admits absolutely and unconditionally his guilt and responsibility for the offense imputed to him.[39] An accused may not foist a conditional plea of guilty on the court in the sense that he admits his guilt provided that a certain penalty will be meted unto him.[40] Likewise, a formal plea of not guilty should properly be entered by the court if an accused admits the truth of some or all the allegations of the information, but interposes excuses or additional facts which, if duly established would exempt or relieve him in whole or in part of criminal responsibility.[41] This was exactly what transpired in this case of herein appellant. At his subsequent appearance in court after his second arraignment, counsel for appellant propounded to him the following questions:

"ATTY. BOCAR TO WITNESS:

Q

Mr. Witness, you testified last time that you were in the Big A Bakery last December 24, 1990 at 8:00 to 8:30 in the morning?

A

Yes, sir.

Q

Now Mr. Witness, please tell us what were you doing that morning?

A

I was arranging the bread, sir.

Q

While you were fixing the bread in that bakery, do you remember of (sic) any unusual incident that happened?

A

None, sir.

COURT TO ATTY. BOCAR:

Ask him whether he ha(d) previous altercation with the victim.

ATTY. BOCAR TO WITNESS:

Q

Mr. Witness, can you tell us if you had any previous altercation with Alfonso Quimen?

A

None, sir.

Q

Do you remember if Alfonso Quimen was at the Big A Bakery on December 24, 1990?

A

I do not remember, sir.

Q

Mr. Witness, according to you, you stabbed to death Mr. Alfonso Quimen that morning of December 24, 1990, is that correct? That you have told the Court about that Mr. Witness?

A

Yes, sir. I admit.

Q

Please tell us Mr. Witness why did you stab Mr. Quimen?

A

I lost my mind, sir.

Q

Mr. Witness, please tell us honestly if prior to that incident, you were teased or berated by Mr. Quimen?

A

No, sir.

Q

Mr. Witness, you just stated you stabbed Mr. Alfonso Quimen, did you ever plan to stab Mr. Alfonso Quimen?

A

No, sir. I did not plan it.

Q

Will you tell the court then Mr. Witness that you stabbed to death Mr. Quimen because of a prior altercation, Mr. Witness?

A

We did not have any altercation, sir. (Hindi kami nag-away)."[42] (*Italics supplied.*)

While he again admitted having stabbed Alfonso Quimen, appellant qualified that admission with the statement that "I lost my mind, sir." While this utterance may be construed to mean that he lost his temper or ataraxy, it could also be that what he meant was that he lost his mental perspective or sanity at the time of the incident. This is suggested and bolstered by the fact that appellant had been confined in the National Center for Mental Health where he was diagnosed to be suffering from psychosis and schizophrenia or split personality. Said mental institution had in fact recommended that he should thereafter undergo monthly medical examination to prevent his relapse to his psychotic state, but the records do not show that this was ever followed by the authorities concerned.

The trial court should have been sufficiently forewarned that the sapient course to take, since a plausible insanity defense was being set up, was to restore the former plea of not guilty. Moreover, counsel for appellant had registered the qualification at the same hearing that appellant could have possibly committed only the lesser offense of homicide because of lack of evident premeditation and treachery. Parenthetically, there is absolutely no mention or discussion whatsoever in the challenged decision of the trial court touching upon the facts of the case and the qualifying or aggravating circumstances alleged in the information, or, for that matter, any legal citation in support of its judgment. The same, in fact, disregards the constitutional injunction that "(n)o decision shall be rendered by any court without expressing therein clearly and distinctly the facts and the law on which it is based,"[43] as well as the directive on the same matter by the 1985 Rules on Criminal Procedure.[44]

On one final point, even appellant's admissions in court, apart from his invalid and inadmissible plea of guilty, do not impress this Court, and consequently precludes it from accepting the same, as having been made intelligently and voluntarily. It should be repeated that for almost one year, appellant was confined in a mental asylum. No follow-up medical attention was ever extended to him after his recommitment to jail despite the explicit warning against his relapsing into the same or worse mental ailment. The transcripts also clearly show that he answered questions in an ambiguous and erratic manner, indicative of the probability that he was still laboring under the same psychical affliction. It would be revolting to all civilized notions of justice if a mentally deranged person were to be denied appropriate judicial relief and, on unsatisfactory evidence, cryptically sentenced to serve no less than reclusion perpetua without a conscientious reassessment of the medico-legal aspects of his case. The dispossessed of fortune should not be the disinherited in law.

IN VIEW WHEREOF, the appealed judgment of the Regional Trial Court, Branch 71, of Iba, Zambales is hereby SET ASIDE. This case is REMANDED to the court a quo for reraffle among the branches thereof, for re-arraignment of accused-appellant Rolly Albert y Oliver, and for further appropriate proceedings consistent with the views herein expressed and in conformity with existing legal and jurisprudential guidelines.

SO ORDERED.

Narvasa, C.J., Feliciano, Padilla, Davide, Jr., Romero, Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Francisco, Hermosisima, Jr., and Panganiban, JJ., concur.

[1] Original Record, 118-120; *infra*, Fn. 44.

[2] G.R. No. 88281, July 20, 1990, 187 SCRA 637.

[3] TSN, April 15, 1991, 4-10; August 13, 1991, 3-11; September 17, 1991, 2-9.

[4] Original Record, 1-2; TSN, December 2, 1993, 5-6.

[5] TSN, September 17, 1991, 16-18.

[6] Original Record, 75-80.

[7] *Ibid.*, 82-92.

[8] TSN, October 19, 1993, 2-6.

[9] *Ibid.*, *id.*, 6-8.

[10] *Ibid.*, December 2, 1993, 5.

[11] Brief for the Accused-Appellant, 1; Rollo, 35.

[12] *People vs. Del Rosario*, L-33270, November 28, 1975, 68 SCRA 242.

[13] Under this law which imposes the death penalty on certain heinous crimes, the offense of murder is now punished by reclusion perpetua to death.

[14] *People vs. Muñoz, et al.*, G.R. Nos. 38969-70, February 9, 1989, 170 SCRA 107; *People vs. Benitez, Jr.*, G.R. No. 83697, October 4, 1991, 202 SCRA 478.

[15] As amended by the Supreme Court in its Resolution dated June 17, 1988, July 7, 1988 and February 2, 1989, said revised Rules took effect on November 13, 1988.

[16] *People vs. Camay*, G.R. No. 51306, July 29, 1987, 152 SCRA 401; *People vs. De Luna*, G.R. No. 77969, June 22, 1989, 174 SCRA 204.

[17] 14 Am. Jur., Criminal Law, Sec. 271, p. 951.

[18] *People vs. Gonzaga*, L-48373, January 30, 1984, 127 SCRA 158; *People vs. Havana*, G.R. No. 68033, July 31, 1991, 199 SCRA 805.

[19] *People vs. Lacson*, L-33060, February 25, 1974, 55 SCRA 589; *People vs. De Luna*, *supra*, Fn. 16.

[20] Section 5, Rule 118 of the 1964 Rules of Court and Section 5, Rule 114 of the 1940 Rules of Court were identically worded as follows:

"Plea of guilty - Determination of punishment. - When the defendant pleads guilty to a complaint or information, if the court accepts the plea and has discretion as to the punishment for the offense, it may hear witnesses to determine what punishment shall be imposed."

[21] IV Moran, Comments on the Rules of Court, 1980 ed., 295.

[22] *People vs. Sabilul*, 93 Phil. 567 (1937).

[23] 6 Phil. 541 (1906).

[24] 9 Phil. 426 (1907).

[25] Notably, *U.S. vs. Rota, et al.*, ante; *U.S. vs. Agcaoili*, 31 Phil. 91 (1915); *U.S. vs. Jamad*, 37 Phil. 305 (1917); *People vs. Sabilul*, supra, Fn. 22; *People vs. Bulalake*, 106 Phil. 767 (1959); *People vs. Apduhan, Jr.*, L-19491, August 30, 1968, 24 SCRA 798; *People vs. Solacito*, L-29209, August 25, 1969, 29 SCRA 61; *People vs. Englatera*, L-30820, July 31, 1970, 34 SCRA 245; *People vs. Estebia*, L-26868, July 29, 1971, 40 SCRA 90; *People vs. Flores*, L-32692, July 30, 1971, 40 SCRA 230; *People vs. Busa*, L-32047, June 25, 1973, 51 SCRA 317; *People vs. Andaya*, L-29644, July 25, 1973, 52 SCRA 137; *People vs. Lacson*, supra, Fn. 19; *People vs. Del Rosario*, supra, Fn. 12; *People vs. Mendoza*, L-32944, December 14, 1981, 110 SCRA 148; *People vs. Abrea*, G.R. No. 55309, February 22, 1982, 112 SCRA 83; *People vs. Nismal*, G.R. No. 51257, June 25, 1982, 114 SCRA 487; *People vs. Alibasa, et al.*, G.R. No. 59054, November 2, 1982, 118 SCRA 183; *People vs. Gonzaga*, supra, Fn. 18; *People vs. Gayola, et al.*, L-37014, April 6, 1984, 128 SCRA 617.

[26] *People vs. Alicia, et al.*, G.R. No. L-38176, January 22, 1980, 95 SCRA 227; *People vs. Lagarto*, G.R. No. 65833, May 6, 1991, 196 SCRA 611.

[27] *People vs. Manibpel*, L-15077, December 29, 1962, 6 SCRA 936; Article 13(7), Revised Penal Code.

[28] *People vs. Dayot*, supra, Fn. 2; *People vs. De Luna*, supra, Fn. 16 and *People vs. Camay*, supra, Fn. 16. In *Dayot*, we held that the trial judge is required to accomplish three things: (1) to conduct a searching inquiry into the voluntariness and full comprehension of the consequences of the accused's plea; (2) to require the prosecution to prove the guilt of the accused and the precise degree of his culpability; and (3) to inquire whether or not the accused wishes to present evidence on his behalf and allow him to do so if he so desires. This procedure is mandatory, and a judge who fails to observe it commits a grave abuse of discretion.

[29] *People vs. Nismal*, supra, Fn. 25; *People vs. Petalcorin, et al.*, G.R. No. 65376, December 29, 1989, 180 SCRA 685.

[30] TSN, September 17, 1991, 16.

[31] *People vs. Badilla*, G.R. No. 69317, September 11, 1985, 138 SCRA 513.

[32] TSN, October 19, 1993, 4-7.

[33] Original Record, 111.

[34] *Ibid.*, 109.

[35] *People vs. Del Rosario*, supra, Fn. 12.

[36] Original Record, 99.

[37] *People vs. Badilla*, supra, Fn. 31; *People vs. Parba*, L-63409, May 30, 1986, 142 SCRA 158; *People vs. Petalcorin*, supra, Fn. 29.

[38] *Supra*, Fn. 2, 28.

[39] *People vs. De Luna*, supra, Fn. 16, 19; *People vs. Havana*, supra, Fn. 18.

[40] *U.S. vs. Estabillo, et al.*, 9 Phil. 668 (1907); *People vs. Sabilul*, supra, Fn. 22.

[41] U.S. vs. Estabillo, et al., ante.

[42] TSN, December 2, 1993, 3-4.

[43] Sec. 14, Art. VIII, 1987 Constitution.

[44] Sec. 2, Rule 120. The full text of the decision, preceding the dispositive portion thereof, reads as follows:

"The accused Rolly Albert who stands charged of the crime of Murder in the Information dated 22 January 1991, entered a plea of not guilty when arraigned on 11 February 1991.

"In an Order dated 15 June 1992, accused, who appeared to be suffering from mental illness, was committed to the National Mental Hospital for psychiatric evaluation and treatment and on 30 March 1993, said hospital was authorized to discharge the patient back to jail at the Iba Provincial Jail. On 21 May 1993, accused was returned to the Iba Provincial Jail.

"On 19 October 1993, when this case was called for the reception of evidence for the defense, the prosecution having rested its case on 17 September 1991, accused Rolly Albert was presented as the first witness. During the direct examination of the accused, he admitted having killed Alfonso Quimen. Hence, Atty. Consuelo Bocar, counsel for the accused, moved that the accused be re-arraigned. After defense counsel has thoroughly explained to the accused all the consequences of withdrawing his plea of not guilty and entering a plea of guilty, the accused was re-arraigned in Tagalog, a dialect which he understands, and eventually entered a plea of guilty to the crime charged in the Information.

"However, upon review of the records of this case, the Court believes that there is a necessity of taking further testimony of the accused who pleaded guilty to a grave offense of murder for the purpose of establishing the precise degree of his culpability. Moreover, the Court believes that in taking the testimony of accused, the Court can determine whether he really and truly comprehended the meaning and full significance of his plea.

"On 2 December 1993, accused was again presented in order to determine his precise degree of culpability and the Court is convinced that he fully understood at the time of the incident what he was doing and the consequences of his wrongful act."

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