PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ALBERTO DIAZ, ACCUSED-APPELLANT.

G.R. No. 119073. March 13, 1996

Ponente: PUNO, J.

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PUNO, J.:

In an Information, dated November 16, 1994,[1] appellant ALBERTO DIAZ was charged with the heinous crime of RAPE[2] for having carnal knowledge with his 14-year old daughter, complainant DORILEEN DIAZ, against the latter's will. The Information reads:

> "That on or about the 24th day of September 1994, in the early morning, in the Poblacion of the Municipality of Rizal, Province of Palawan, Philippines, and within the jurisdiction of this Honorable Court, the said accused, with lewd design and by using force and intimidation, did then and there wilfully, unlawfully and feloniously have carnal knowledge with one DORILEEN V. DIAZ, his daughter, against her will, to her damage and prejudice.
>
> "CONTRARY TO LAW."

Arraignment and pre-trial was set on January 13, 1995. Accused was assisted by Atty. Lucia Judy Solinap, of the Public Attorney's Office, Department of Justice. Prior to actual arraignment, Atty. Solinap manifested in open court that during her interview with accused, the latter intimated to her that he would enter a plea of GUILTY to avoid expenses of litigation.[3]

After said manifestation, accused was arraigned in Tagalog. He pleaded guilty. The trial court then directed the prosecution to put accused on the stand to determine whether he fully comprehended the legal consequences of his plea.

Accused, a 41-year old farmer, testified that he understood the Information that was read to him. He admitted raping his daughter twice and affirmed that his plea of guilt was voluntary. He claimed he was aware of the gravity of the offense he committed and that, as a consequence, he would be meted the death penalty. Accused also testified that he was arrested on October 3, 1994 and has been detained for five (5) months. During his detention, he has been eating and sleeping well and appeared to be in full control of his senses at the time of his arraignment.

Convinced that accused understood the consequences of his plea and on the sole basis of accused's admission that he committed the crime, the trial court proceeded to render a Decision[4] against accused, imposing on him the penalty of death, pursuant to Article 335 of the Revised Penal Code, as amended by R.A. 7659.

Accused did not appeal his conviction. Nonetheless, the case was elevated to this Court on automatic review.

In his Brief,[5] accused maintains that the trial court erred in immediately rendering a decision convicting him of the offense charged without requiring the prosecution to first prove his guilt and the precise degree of his culpability, as required under the Rules on Criminal Procedure. The Solicitor General fully agreed with accused's

position and interposed no objection to the remand of the case to the trial court for further proceedings.[6]

We find merit in the submission of the Solicitor General.

Section 3, Rule 116 of the Rules on Criminal Procedure mandates:

> "SEC. 3. Plea of guilty to capital offense; reception of evidence.-- When the accused pleads guilty to a capital offense, the court shall conduct a searching inquiry into the voluntariness and full comprehension of the consequences of his plea and require the prosecution to prove his guilt and the precise degree of culpability. The accused may also present evidence in his behalf."

In People v. Camay,[7] we outlined the mandatory procedure to be followed by trial courts after an accused pleads guilty to a capital offense, viz:

> "1. The court must conduct a searching inquiry into the voluntariness and full comprehension of the consequences of his plea;
>
> "2. The court must require the prosecution to present evidence to prove the guilt of the accused and the precise degree of his culpability; and
>
> "3. The court must ask the accused if he desires to present evidence in his behalf and allow him to do so if he desires.
>
> "The amended rule is a capsulization of the provisions of the old rule and pertinent jurisprudence. We had several occasions to issue the caveat that even if the trial court is satisfied that the plea of guilty was entered with full knowledge and meaning of its consequences, the Court must still require the introduction of evidence for the purpose of establishing the guilt and the degree of culpability of the defendant. This is the proper norm to be followed not only to satisfy the trial judge but also to aid the Court in determining whether or not the accused really and truly comprehended the meaning, full significance, and consequences of his plea."

Moreover, in People v. Alicando,[8] we ruled "x x x that under the 1985 Rules of Criminal Procedure, a conviction in capital offenses cannot rest alone on a plea of guilt. Section 3 of Rule 116 requires that after a free and intelligent plea of guilt, the trial court must require the prosecution to prove the guilt of the appellant and the precise degree of his culpability beyond reasonable doubt. This rule modifies prior jurisprudence that a plea of guilt even in capital offenses is sufficient to sustain a conviction charged in the information without need of further proof. The change is salutary for it enhances one of the goals of the criminal process which is to minimize erroneous conviction. We share the stance that ‘it is a fundamental value determination of our system that it is far worse to convict an innocent person than let a guilty man go free."

In the case at bar, the records reveal that the proceedings conducted by the trial court after accused’s arraignment fell short of the requirements mandated by law. At the outset, we note that the trial court directed the prosecution to put accused on the stand for the sole purpose of inquiring whether accused fully comprehended the legal consequences of his plea of guilt. The proceedings transpired as follows:

> "INTERPRETER:
> The accused pleaded Guilty, your Honor.
>
> "COURT:
> Enter a plea of Guilty. Place him on the witness stand to determine whether he realize the significance of that plea of Guilty.
>
> xxx xxx xxx.
>
> (After accused was placed under oath x x x)

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COURT:

(to Prosecutor Guayco)
Propound questions, Fiscal.

xxx xxx xxx

PROSECUTOR GUAYCO:
(to accused Diaz)

xxx xxx xxx

Q

Did you really understand what was read to you as the charged (Sic) (w)hen you pleaded guilty, Mr. Witness?

A

Yes, sir.

Q

Your plea of Guilty, Mr. Witness, is spontaneous, voluntary and you were not force(d) to admit crime charged against you?

A

Voluntary, sir.

Q

Do you understand, Mr. Witness, that with your plea of Guilty, you will be sentenced to suffer the penalty of death?

A

Yes, sir.

COURT:

(to accused)

Q

And inspite of that you insist in (sic) your plea of Guilty?

A

I could not do anything, your Honor.

xxx xxx xxx

PROSECUTOR GUAYCO:
(to Court)
I have no more question, your Honor.

COURT:
(to Atty. Solinap)
Question, counsel.

ATTY. SOLINAP:
(to accused Diaz)

Q

Did you really understand the consequence of your plea of guilty to the charged (sic) against you?

A

I do not know, ma'am.

Q

But a while ago you said you understood the reading of the Information against you?

A

Yes, ma'am.

Q

Then you said you understood the reading of the Information against you?

A

Yes, ma'am.

Q

Has anybody intimidated you in this case?

A

Nobody, ma'am.

Q

Are you aware that with your plea of Guilty to this case, you will be punished to death and then your child will become fatherless and your wife will have no husband?

A

That is what they want, ma'am.

Q

To reiterate, are you really insisting in your plea of Guilty to the accusation against you?

A

I am pleading Guilty, ma'am.

xxx

COURT:
(to accused Diaz)

Q

Now, you entered a plea of Guilty because sincerely you know that you committed the crime of rape charged against you by your daughter?

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A

Yes, your Honor.

Q

So because of that because you ravished your daughter by raping her, you are suppose to accept whatever penalty the Court may impose upon you according to law?

Q

I could not do anything but accept, your Honor.

xxx

COURT:
(to accused)

Q

x x x (I)s it correct that in the affidavit of your daughter, you started to ravish her since she was only eight years old?

A

No, your Honor.

Q

How many times have you raped her?

A

Two times, your Honor.

xxx

ATTY. SOLINAP:
(to accused)

xxx

Q

Again, Mr. Witness, you are willing to take the consequences of the penalty of death?

A

Sa kanila po ang desisyon.

Q

When you mentioned "sa kanila," what do you mean?

A

To my family who filed charges against me ma'am."[9]

In the aforequoted portions of the transcript, accused testified that he understood the Information read to him and knew he would be sentenced to death upon conviction. Upon further questioning, however, he vacillated and

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stated that he did not understand the consequences of his plea. Moreover, accused, more than once, stated that "he could not do anything" but plead guilty and accept the consequences of his plea. Despite this tone and expression of resignation, the trial court proceeded on some other points and failed to inform accused of his options and rights, i.e., (1) he could choose to plead "not guilty," in which case, they would go on trial, with both the prosecution and the defense presenting their respective evidence; that throughout the trial, he would still retain the free services of his PAO lawyer, OR; (2) he may choose to plead guilty, whereupon, the prosecution would still be required to present evidence to prove his guilt and degree of culpability beyond reasonable doubt; documentary evidence would be adduced and other witnesses shall be called to testify; and, he would still be entitled to avail of the free legal services of his PAO lawyer. The transcripts of the proceedings, however, clearly reveal that at no time did the trial court explain to accused the above options, as accused thought "he could not do anything" but enter a plea of guilty.

Our criminal rules of procedure strictly provide the step by step procedure to be followed by courts in cases punishable by death. Obviously, the reason for this strictness is to assure that the State makes no mistake in taking life except the life of the guilty. Unfortunately, it seems that the trial court was unaware of the proper procedure to follow in cases where an accused pleads guilty to a capital offense. For nowhere in the records does it appear that the trial court informed accused of his right to present evidence, if he so desires. In fact, accused categorically avowed that he did not know his PAO lawyer could represent and defend him in his case if he chooses to go to trial. This was admitted by accused when he testified, thus:

> xxx
>
> "Q
>
> Are you aware that under our law, the prosecution (is required) to present evidence and do you accept whatever testimony your child or your spouse would give in this case against you?
>
> A
>
> I am expecting it from them, ma'am.
>
> Q
>
> Are you aware that this representation could defend you in your case?
>
> A
>
> I do not know, ma'am."

Neither did the court require the prosecution to present evidence proving the guilt of accused and his precise degree of culpability. Most of the questions propounded by the trial court, the prosecutor and the defense counsel sought only to inquire about the voluntariness of accused's plea and his comprehension of the consequences thereof. After accused affirmed that he was aware of the gravity of his offense and the penalty therefor, and confirmed that he pleaded out of his own volition, the trial court immediately proceeded to render judgment convicting him of the crime charged. Except for the Information reciting the elements of the crime of Rape, and the plea of guilt, no evidence, testimonial or documentary, was adduced by the prosecution to prove the detailed events leading to the filing of said Information against accused. Aside from accused, no other witnesses were called to testify in contravention of Section 3, Rule 116 of the New Rules on Criminal Procedure which has done away with the old practice of convicting an accused based solely on his judicial admission of guilt.[10] It is high time for members of the trial bench to familiarize themselves with the new rule for its non-observance is delaying the speedy administration of justice in capital offenses with great unfairness to the victims.

IN VIEW WHEREOF, the appealed Decision in Criminal Case No. 12088, convicting accused ALBERTO DIAZ of the crime of Rape and sentencing him to suffer the penalty of death is ANNULLED and SET ASIDE and the case is REMANDED to the trial court which is directed to comply strictly with Section 3, Rule 116 and the various decisions of this Court on the matter. No costs.

SO ORDERED.

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

[1] Rollo, p. 3.

[2] Criminal Case No. 12088, RTC of Palawan and Puerto Princesa City, Branch 49, presided by Judge Eustaquio Gacott, Jr.

[3] TSN, January 13, 1995, p. 3.

[4] Id., pp. 6-9.

[5] Id., pp. 24-31, filed by the Public Attorney's Office, Department of Justice.

[6] See Manifestation and Motion in Lieu of Appellee's Brief, Ro/lo, pp. 46-56.

[7] G.R. No. L-51306, July 29, 1987, 152 SCRA 401.

[8] G.R. No. 117487, December 12, 1995.

[9] TSN, supra, pp. 4-11.

[10] People v. Albert, G.R. No. 114001, December 11, 1995; People v. Camay. supra.

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