PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ROMEO TIZON Y INKING A.K.A ROMY BONDAT/BUNGAL, ACCUSED-APPELLANT.

G.R. No. 126955. October 28, 1999

Ponente: VITUG, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/g-r-no-126955/

VITUG, J.:

The Court starts with the basic thesis that the fundamental law guarantees that no person shall ever be deprived of life, liberty, or property without due process of law.[1] The law is particularly zealous in the criminal justice system when the life or liberty of an individual is at stake. An accusation by the State is never synonymous with guilt. Even when an indictee himself accepts full responsibility for a crime, such as by his plea of guilt, an adherence to the constitutional precepts are not dispensed with, and the courts are neither excused from their duty to act with the greatest caution in seeing to the lawful interest of the accused nor allowed to be less than protective in securing and safeguarding his rights.

Before the Court, for its automatic review, is the decision of the Regional Trial Court of Manila, Branch 41, in Criminal Case No. 96-152200, which has found herein accused-appellant Romeo Tizon y Inking guilty beyond reasonable doubt of the crime of rape with homicide. The death sentence having been decreed by the trial court, the records of the case have accordingly been elevated to this Court.
Romeo Tizon was charged with the crime of “Rape with Homicide” in an Information that read:

> “I N F O R M A T I O N
>
> “The undersigned Asst. City Prosecutor upon Sworn Statements of the witnesses for the victim, JONABEL ANTOLIN Y ROMAILA, copies of which are hereto attached as Annexes, accuses ROMEO TIZON Y IKING a.k.a. ROMY BONDAT/BUNGAL of the crime of Rape with Homicide, committed as follows:
>
> “That on or about August 21, 1996, in the City of Manila, Philippines, the said accused, with lewd designs, by means of force, violence and intimidation, to wit: by dragging one JONABLE ANTOLIN Y ROMAILA inside a warehouse located at the corner of Valderama and Lavarez St., Binondo, this City, laying her on the cemented floor, repeatedly banging her head on the floor until she lost her consciousness, pulling down her short pants, and thereafter, had carnal knowledge of the said JONABEL ANTOLIN Y ROMAILA, a minor, eight (8) years of age, against the latter’s will and consent, and on said occasion, the said ROMEO TIZON a.k.a. ‘ROMY BONDAT/BUNGAL’ caused her fatal injuries which were the direct and immediate cause of her death thereafter.
>
> “Contrary to law.
>
> “(SGD)ROY A. CABATUANDO
>
> Assistant City Prosecutor”[2]

On 10 September 1996, the accused was arraigned with the assistance of his counsel de oficio. He pleaded guilty

to the indictment. Following the plea, the trial court proceeded to receive evidence to determine the precise degree of culpability of the accused. In its decision, the trial court gave a brief narrative of the testimony given by the witnesses for the prosecution; thus-

> "1. Myra Contado – a 13-year old neighbor of the victim who testified that on the night of August 20, 1996 at around 11:00 o'clock in the evening, she saw the accused Romeo Tizon jumped from the top of the roof of the warehouse where the victim was found dead in the early morning of August 21, 1996, and that she and the accused even looked at each other (nagkatinginan pa kami);
>
> "2. Dr. Manuel Lagonera – the Medico Legal Officer of the WPD-PNP who testified as to the cause of death of the victim and of the fact that the victim was sexually violated;
>
> "3. Pet Byron T. Buan – the Forensic Chemist who examined the orange t-shirt and the two (2) shorts of the accused which were found at the warehouse;
>
> "4. SPO1 Steve Casimiro – the Police Investigator who investigated this case and took the confession of the accused;
>
> "5. SPO4 Graciano Bautista – who testified that he is one of the police officers who apprehended the accused in Dasmariñas, Cavite;
>
> "6. Independencio Antolin – the uncle of the victim who testified that on the night of August 20, 1996 at around 8:00 o'clock in the evening, he was with the victim and that at around 8:30 o'clock in the evening, he saw the accused Romeo Tizon who looked drunk (amoy alak) wearing an orange t-shirt who told him that he will enter the warehouse to get his clothes;
>
> "7. Mario Bernardo – a neighbor of the victim who testified that in the early morning of August 21, 1996 at around 6:45 he went to the bodega to feed his chicken when he saw blood at the chicken coop and when he looked up at the top of the chicken coop, he saw the head of the victim child inside the sack.
>
> "8. Margie Alvarez – the aunt of the victim who testified that on the night of August 20, 1996 at around 8:00 o'clock in the evening, she saw her niece, the victim, carrying two sticks of cigarette and went to the warehouse and that she saw the accused wearing an orange t-shirt near the door of the said warehouse; and
>
> "9. Mary Grace Antolin Yetyet – another aunt of the victim, a female barangay tanod who testified that prior to the disappearance and discovery of the dead body of the victim, she saw the accused wearing the same orange t-shirt which was found in the scene of the crime."[3]

The defense, in turn, placed on the witness stand Brgy. Kagawad Levi Alfonso of Brgy. Fatima, Dasmariñas, Cavite, who stated that the accused, through his relatives, had voluntarily surrendered to him and his co-kagawads. No other witness was presented.

On 30 October 1996, following the offer of evidence made by the parties, the trial court rendered its decision; it concluded:

> "WHEREFORE, judgment is hereby rendered finding the accused guilty as charged and imposing upon him the penalty of death and ordering him to pay the heirs of the victim the total sum of P200,000.00 for actual and moral damages.
>
> "SO ORDERED."[4]

And thus, ended an abbreviated proceedings spelling doom on the accused and a sentence of death hanging over his head.

In its appeal brief, the defense ascribed to the trial court the following "error" supposedly committed by it; viz:

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

> "1. The prosecution's evidence do not clearly establish that rape has been committed by the accused, hence the court a quo committed an error in the appreciation of the evidence and should instead hold the accused guilty of acts of lasciviousness and homicide.
>
> "2. The court a quo erred in awarding the heirs of the victim the total sum of PHP200,000, the award [not] being supported by evidence."[5]

It is considered opinion of this Court, after reviewing the records, that the case must be remanded to the court a quo for further and appropriate proceedings.

The Rules of Court have set exacting standards to be strictly complied with by the trial court in the arraignment of an accused. Rule 116 of the Rules of Court, in part, provides:

> "Section 1. Arraignment and plea; how made. – (a) The accused must be arraigned before the court where the complaint or information has been filed or assigned for trial. The arraignment must be made in open court by the judge or clerk by furnishing the accused a copy of the complaint or information with the list of witnesses, reading the same in the language or dialect known to him and asking him whether he pleads guilty or not guilty. The prosecution may, however, call at the trial witnesses other than those named in the complaint or information.
>
> "(b) The accused must be present at the arraignment and must personally enter his plea. Both arraignment and plea shall be made of record, but a failure to enter of record shall not affect the validity of the proceedings.
>
> "(c) If the accused refuses to plead, or makes a conditional plea of guilty, a plea of not guilty shall be entered for him.

"x x x x x x x x x

> "Section 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."

The rationale behind the rule is to ensure not only that due process of law is effectively observed but also, and at bottom, that no accused is wrongly convicted or erroneously sentenced. It constantly behooves the courts to proceed with utmost care in each and every case before them but perhaps nothing can be more demanding of judges in that respect than when the punishment is in its severest form – death – a penalty that, once carried out, is irreversible and irreparable. It cannot be said that when a person pleads guilty to a crime there is no chance at all that he could, in fact, be innocent. Statistics[6] can easily dispel that notion.

In the instant petition, the only thing on record that the Court finds at the arraignment of the accused is the order, dated 10 September 1996, of the trial court which reads:

> "ORDER
>
> "Upon arraignment and after reading the information in the language known and understood by him, accused ROMEO TIZON Y INKING a.k.a. ROMY BONDAT/BUNGAL, assisted by counsel, Atty. Aristotle M. Reyes, pleaded guilty to the offense charged.
>
> "Set the hearing of this case for the reception of the prosecution's evidence in order to determine the extent of the guilt of the accused on September 16, 17 and 18, 1996, all at 8:30 o'clock in the morning.
> "The defense is also advised to be ready with its evidence.
>
> "SO ORDERED.

"Manila, September 10, 1996.

"(Sgd) RODOLFO A. PONFERRADA

"Judge"[7]

While it would appear from the text of the order that the information has been read in a language known and understood by the accused, then assisted by counsel de oficio, that regrettably, however, is just about all. Absolutely nothing else on record can disclose that the trial court has kept up with the rest of the procedures set out in Sections 1 and 3, Rule 116, of the Rules of Court which also prescribes that the accused or his counsel be furnished with a copy of the complaint with the list of witnesses against him, and when, specifically, an accused pleads guilty to a capital offense, a searching inquiry is made in order to fully ascertain the voluntariness and consequences of the plea of guilt. This Court has had occasion[8] to state that the requirements of the Rules are mandatory, affording, such as they do, the proper understanding of the all-important constitutional mandate regarding the right of an accused to be so informed of the precise nature of the accusation leveled against him so essential in aptly putting up his defense. The searching inquiry, which must be recorded , requires the court to make it indubitably certain that the accused is fully apprised of the consequences of his plea of guilt. In this case, peculiarly, the court must let the accuse realize that a plea of guilt will not, under Republic Act No. 7659, affect or reduce the death penalty as he may have otherwise so perceived and come to believe or been advised. Not infrequently, said the Court in one case,[9] an accused pleads guilty in the hope of a lenient treatment or upon promises of the authorities or parties of a lighter penalty, and it should compel the judge to make sure that he does not labor under these mistaken impressions.[10] In sum, the searching inquiry under Section 3, Rule 116 must focus on: (1) the voluntariness of the plea, and (2) a complete comprehension of the legal effects of the plea,[11] so that the plea of guilt is based on a free and informed judgment. So indispensable is this requirement that a plea of guilt to a capital offense can be held null and void where the trial court has inadequately discharged the duty of conducting the prescribed "searching inquiry."[12]

Given the attendant circumstances, this Court cannot send accused-appellant to the death chamber, for no matter how outrageous the crime might be or how deprave the offender would appear to be, the uncompromising rule of law must still prevail. Verily, a judgment of conviction cannot stand upon an invalid arraignment.[13] In the interest of substantial justice then, this Court has no recourse but to remand the case to the trial court for further and appropriate proceedings.

WHEREFORE, the judgment of the court a quo in Criminal Case No. 96-152200 convicting accused-appellant Romeo Tizon y Inking of the crime of rape with homicide and sentencing him to suffer the penalty of death is ANNULED AND SET ASIDE; instead, the case is REMANDED to the trial court for further and appropriate proceedings conformably with the disquisition hereinabove expressed.

SO ORDERED.

Davide, Jr., C.J., Melo, Kapunan, Mendoza, Panganiban, Purisima, Pardo, Buena, Gonzaga-Reyes, and De Leon, Jr., JJ., concur.

Bellosillo, Puno, Quisumbing, and Ynares-Santiago, JJ., abroad, on official business.

---

[1] Section 1, Article III, 1987 Constitution.

[2] Records, p. 1.2

[3] Rollo, pp. 24-25.

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

[4] Rollo, p. 28.

[5] Rollo, p. 77.

[6] See People vs. Estomaca, 256 SCRA 421, citing People vs. Albert, 251 SCRA 136, and 14 Am. Jur., Criminal Law, Section 251, p. 951.

[7] Records, p. 70.

[8] People vs. Estomaca, supra, citing People vs. Gonzaga, 127 SCRA 158; People vs. Havana, 199 SCRA 805.

[9] People vs. Dayot, 187 SCRA 637.

[10] At p. 642.

[11] People vs. Alicando, ibid.

[12] People vs. Alicando, 251 SCRA 293.

[13] Ibid.; Binaybay vs. People, et al., 37 SCRA 445.

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at https://batas.org

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.