

**PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS.
ANDRECITO BULALAKE, ET AL., DEFENDANTS. ANDRECITO
BULALAKE, DEFENDANT AND APPELLANT.**

G. R. No. 14190. December 28, 1959

Ponente: BARRERA, J.

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BARRERA, J.:

Andrecito Bulalake and Florentino Acedillo were charged in the Court of First Instance of Rizal (in Crim. Case No. 7701) with the crime of murder, for the killing of Igmidio Maala, under the following information:

"That on or about the 28th day of February, 1958, in the municipality of Muntinlupa, province of Rizal, Philippines, and within the jurisdiction of this Honorable Court the above-named accused, who are convicts confined in the New Bilibid Prisons by virtue of final judgments rendered against them, conspiring, confederating and mutually helping and aiding one another, with evident premeditation and treachery, all armed with deadly weapons, did then and there willfully, unlawfully and feloniously kill Igmidio Maala, also a convict confined in the same institution, by hitting, stabbing and striking him with iron pipes and ice picks, thereby inflicting him multiple serious physical injuries which directly caused his death;

"That the aggravating circumstance of quasi-recidivism is present in the commission of the crime in that the crime was committed after the accused have been convicted by final judgments and while they are serving the said judgments in the New Bilibid Prisons. "Contrary to law with the following aggravating circumstances;

- "1. That the crime was committed with insult to public authorities;
- "2. That the crime was committed by armed men or persons who insure or afford impunity;
- "3. Use of superior strength or means was employed to weaken the defense;
- "4. That the crime was committed where public authorities were engaged in the is charge of their duties."

Upon arraignment, the accused Bulalake, assisted by his counsel de oficio, Atty. Antonio Rodriguez, pleaded guilty to the charge and was, thereupon, sentenced by the court to suffer for the penalty of death, and to pay indemnity in the sum of P3,000.00 and costs. The case is now before us for review, pursuant to the provisions of Section 9, Rule 118 of the Rules of Court.

The new counsel de oficio appointed for the accused in this instance contends that the trial court erred in not taking such evidence as were available and necessary in support of the material allegations of the information, including the aggravating circumstances therein enumerated, for the purpose of establishing beyond reasonable doubt the guilt of the accused and determining the nature and extent of the penalty to be imposed upon him citing in support of his submission, the case of U. S. vs. Agcaoili (31 Phil., 92).

There is merit in the contention. In the Agcaoili case. it appears that the accused was convicted of the crime of assassination, upon his formal plea of "guilty" when arraigned, and sentenced to death. No evidence in support of the allegations of the information was taken at the trial. Elevated to this Court for review, the judgment of the lower court was reversed and a new trial ordered with the following statement:

"No evidence was taken at the trial, and after a careful examination of the whole record we cannot rid our minds of a reasonable doubt as to whether the accused did or did not thoroughly understand the precise nature and effect of his plea upon arraignment. We are not wholly satisfied that he understood that in pleading 'guilty' of the crime charged in the information, he pleaded guilty to its commission marked with all the aggravating circumstances alleged therein, and, that the penalty prescribed for the commission of the crime charged in the information, in the manner and form in which it is there charged, is death.

"In response to a suggestion by the trial judge that he might withdraw his plea of guilty and substitute therefor a plea of not guilty, the accused said that he did not desire to do so because 'he was responsible for the death of two persons mentioned in the information.'

"We are inclined to think that while the undoubtedly intended on that occasion, as also when he entered his plea of guilty, to confess and admit that he took the lives of the persons mentioned in the information, he did not intend to admit that he committed the offense with the aggravating circumstances mentioned therein. * * *

"While it is true that a judgment convicting and sentencing a defendant may lawfully be pronounced upon a solemn plea of 'guilty' in open court and on arraignment entered by the accused with full knowledge of the meaning and effect of his plea nevertheless, where the complaint charges a capital offense, the possibility of misunderstanding or mistake in so grave a matter justifies and in most instances requires the taking of such available evidence in support of the allegations, of the information as the trial judge may deem necessary to remove all reasonable possibility that the accused might have entered his plea of 'guilty' improvidently, or without a clear and precise understanding of its meaning and effect." (*Italics supplied.*)

In the same case, attention was invited to the rule of practice recommended in the cases of *U. S. vs. Talbanos* (6 Phil., 541) and *U. S. vs. Rota* (9 Phil., 426) that

"* * * 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 preferred 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 degree of culpability of the defendant"

It is of course true that the taking of such evidence is a matter left to the discretion of the trial court. Nevertheless, inasmuch as judgments of conviction imposing the extreme penalty of death are subject to review by the Supreme Court as law and justice shall dictate, whether the defendant appeals or not, which automatic review neither the Court nor the accused could waive or evade it would seem that the proper and prudent course to follow where the accused enters a plea of "guilty" to capital offenses specially where he is an ignorant person with little or no education, is to take testimony not only to satisfy the trial judge himself but to aid the Supreme Court in determining whether the accused really and truly understood and comprehended the meaning, full significance and consequences of his plea.

In the instant case, while it appears that the accused, with the assistance of his counsel de oficio, pleaded guilty to the information, voluntarily and spontaneously, the records do not disclose that its contents enumerating several aggravating circumstances, were read and translated or clearly explained to him. Neither does it appear that he fully and completely understood the precise nature of the charges preferred against him and the consequences of his plea. No inquiry whatsoever was made by the trial judge in this respect notwithstanding the fact that the accused was assisted only by an attorney de oficio whose appointment by the court for this purpose might have been extended only on the date of the arraignment, as the records show that the one previously appointed, Atty. Lazaro C. Sison, did not appear during the arraignment.

Wherefore, in line with our decision in the *Agcaoili* case, *supra*, the appealed judgment is hereby reversed, and the

case is remanded for new trial to the court a quo which is also enjoined to follow the practice recommended by this Court in the Talbanos and Rota cases, supra. Without pronouncement as to costs. It is so ordered.

Paras, C. J., Padilla, Montemayor, Bautista Angelo, Labrador, Ccncpcion, Reyes, J. B. L., Endencia, and Gutierrez David, JJ., concur.

[1]People vs. Villanueva, 93 Phil., 927; 49 Off, Gaz., (12) 5367,

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