

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. MARCIAL AMA Y PEREZ, ET AL., DEFENDANTS. MARCIAL AMA Y PEREZ, DEFENDANT AND APPELLANT.

G.R. No. 14783. April 29, 1961

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PER CURIAM:

On October 16, 1958, Marcial Ama y Perez, Ernesto de Jesus and Alejandro Ramos were charged with murder before the Court of First Instance of Rizal in an information the pertinent portions of which read:

"That on or about the 27th day of August, 1958, in the New Bilibid Prison, municipality of Muntinlupa, province of Rizal, Philippines and within the jurisdiction of this Honorable Court, the abovenamed accused, conspiring and confederating together and mutually helping one another, armed with deadly weapons to wit: sharp-pointed instruments, with intent to kill and with treachery and evident premeditation, did then and there, willfully, unlawfully and feloniously attack, assault and stab one Almario Bautista, thereby inflicting upon the latter stab wounds on the different parts of his body, and as a result of which, said Almario Bautista died instantaneously.

"That the accused are quasi-recidivist having committed the abovementioned felony while serving their respective sentences after having been convicted of final judgment.

"That the crime was committed in the presence of public authorities who were then engaged in the discharge of their duties."

After the accused pleaded not guilty, upon arraignment, the trial court set the case for hearing on November 25, 1958. On the same date, however, De Jesus and Ramos moved for postponement on the ground that they were asking the fiscal to reinvestigate their case, which motion was granted. Marcial Ama y Perez, on the other hand, moved that he be permitted to withdraw his former plea of not guilty and substitute it for that of guilty. Granting said motion, the court directed that the information be read and explained again to him, after which Marcial Ama, with the assistance of his counsel de oficio, spontaneously and voluntarily pleaded guilty as charged.

Then, counsel for the accused moved that the minimum penalty be imposed in view of his plea of guilty, which motion was objected to by the prosecution, contending that since the special aggravating circumstance of quasi-recidivism is present which cannot be offset by the mitigating circumstance of plea of guilty, the imposable penalty should be the maximum or death. And after the fiscal had submitted proof relative to the presence of the aggravating circumstances alleged in the information, the court rendered decision sentencing Marcial Ama y Perez to death penalty, to indemnify the heirs of the deceased in the amount of P6,000.00, without subsidiary imprisonment in case of insolvency, and to pay the costs. Whereupon, the case was elevated to this Court for review pursuant to Section 9, Rule 119 of the Rules of Court.

The main error assigned by counsel is that the lower court erred in allowing appellant to change his plea of not guilty to that of guilty without informing him that his plea cannot offset the aggravating circumstance of quasi-recidivism alleged in the information as to obviate the imposition of death penalty. According to defense

counsel, had the trial court informed appellant that despite his plea of guilty he would still be sentenced to death, he would have chosen to go to trial no matter how slim might be his chance of being acquitted. Counsel further avers that the attorney who assisted appellant in the lower court committed an oversight in advising him to plead guilty overlooking the provisions of Article 160 of the Revised Penal Code on quasi-recidivism, while the lower court erred in sentencing him to death relying merely on his plea of guilty.

There is no merit in this appeal. When an accused is arraigned in connection with a criminal charge the only duty of the court is to inform him of its nature and cause so that he may be able to comprehend it, as well as the circumstances attendant thereto.[1] And when the charge is of a serious nature it becomes the imperative duty of his counsel not only to assist him during the reading of the information but also to explain to him the real import of the charge so "that he may fully realize the gravity and consequences of his plea. But there is nothing in the law that imposes upon the court the duty to apprise him of what the nature of the penalty to be meted out to him might be if he would plead guilty to the charge, its duty being limited to have him informed of the nature and cause thereof. In the instant case, the lower court did just that. In fact, it did even more. Considering the gravity of the charge it asked the fiscal to produce the evidence in his possession relative to the aggravating circumstance alleged in the information so that appellant's counsel may peruse it, and this was done without any objection on his part, and thereafter, the court rendered its decision. The error that counsel now imputes to the lower court is, therefore, untenable. Indeed, if appellant expressed his desire to plead guilty it is for no other reason than that his conscience persuaded him to do so, and so he has to suffer its consequences.

With regard to counsel's contention that the lower court erred in convicting appellant merely on his plea of guilty without requiring the fiscal to produce evidence in support of the charge, suffice it to quote hereunder what we said in a recent case:

"We are fully convinced that before the appellants entered their plea of guilty, they were apprised of the import and consequences thereof. They did not plead, without the assistance of counsel. Counsel de oficio was all the time at hand. The presumption of regularity and faithfulness in the performance of official functions, on the part of counsel de oficio, has not been overcome. No evidence appear on record that he had failed in his duty to advise the appellants of what to do. It would be creating a dangerous precedent to say now that the advice to plead guilty by the appointed counsel de oficio was improvident. * * *

"The issues raised by counsel in his brief were already answered by us in a number of cases. In *U.S. vs. Barba*, 29 Phil., 206, and *U.S. vs. Santiago*, 35 Phil., 20, it was held that a plea of guilty is an admission of all the material facts alleged in the complaint or information. In subsequent cases, we ruled that a plea of guilty when formally entered in arraignment, is sufficient to sustain a conviction for any offense charged in the information, without the 'necessity of requiring additional evidence, since by so pleading, the defendant himself has supplied the necessary proof (*People vs. Valencia*, 59 Phil., 42; *People vs. Palupe*, 59 Phil., 702.) It matters not even if the offense is capital, for the admission (plea of guilty), covers both the crime as well as its attendant circumstances (*People vs. Acosta*, 98 Phil., 642, 52 Off. Gaz., 1930). The allegation that the defendants did not get any practical benefit in pleading guilty to the crime charged, is not a plausible argument to dub the plea of guilty, as improvidently made. As well observed by the Solicitor General, 'The matter of pleading guilty to a charge is not a game. An accused pleads guilty because he believes that he is guilty. The advantages that he may get by so pleading are mere secondary considerations. Using the very argument of appellants that their plea of guilty did not improve their situation, we ask, what advantage would appellant achieve by undergoing a trial?'

* * * * *

"Undoubtedly, * * * the trial judge must have been fully satisfied that the appellants entered the plea of guilty, with full knowledge of the meaning and consequences of their act, more so when, as in this case, the lives of

the appellants were involved. The record does not reveal that appellants or counsel ever complained or protested at the time of arraignment that they did not understand the information and the effect of their plea of guilty." (People vs. Yamson and Romero 109 Phil. 793).

Wherefore, the decision appealed from is affirmed, without pronouncement as to costs.

Bengzon, C.J., Bautista Angelo, Labrador, Concepcion, Reyes, J.B.L., Barrera, Paredes, and Dizon, JJ., concur.

[1] Section 1(b), Rule 111, Rules of Court.

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