

THE PEOPLE OF THE PHILIPPINE ISLANDS, PLAINTIFF AND APPELLEE, VS. ANTONIO UBALDO AND FELIX TUASON, DEFENDANTS AND APPELLANTS.

G.R. No. 33522. October 31, 1930

Ponente: JOHNSON, J.

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JOHNSON, J.:

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On the 26th day of March, 1930, an information was filed in the Court of First Instance of the City of Manila against said defendants, charging them with the crime of frustrated murder (frustrated parricide as to Remedios Avelino de Linao). The information alleged:

"That at about midnight of the 24th day of March, 1930, in the City of Manila, Philippine Islands, the accused Remedios Avelino de Linao, then being the lawful wife of one Joaquin Linao, conspiring and confederating with her four coaccused persons who were fully aware of the existence of said marital relation, and all of said accused helping one another, did then and there willfully, unlawfully, feloniously, and with intent to kill, taking advantage of the cover of darkness which they purposely sought therefor, with evident premeditation and for a price or promise of reward, treacherously assault, beat, and wound the said Joaquin Linao at his dwelling at No. 145 Jesus Street, in said city, by then and there strangling him and stabbing him on a vital part of the chest and other parts of the body while he was asleep in his said dwelling, thereby performing all acts of execution which would produce the death of said Joaquin Linao as a consequence but which, nevertheless, did not produce it by reason of causes independent of the will of said accused persons, to wit, the timely and effective intervention of medical assistance.

"Contrary to law."

Upon petition of counsel for Remedios Avelino de Linao, she was allowed a reasonable time to study and prepare her answer to the information. She was therefore not included in the arraignment.

The information was read to the other four accused, Antonio Ubaldo, Felix Tuason, Agapito Toreno and Elpidio Gaspay. Before the reading, they were each asked by the court whether or not they needed the services of an attorney, and they each answered in the negative. Antonio Ubaldo and Felix Tuason entered a plea of guilty. Agapito Toreno at first pleaded guilty, but after some questions and explanations by the court, he entered a plea of not guilty. Elpidio Gaspay also entered a plea of not guilty.

By virtue of the plea of guilty entered by Antonio Ubaldo and Felix Tuason, Anacleto Diaz, judge, sentenced each of them to suffer the minimum penalty prescribed by law for frustrated murder, to wit, twelve years and one day of cadena temporal, with the accessory penalties of the law and to pay a proportional part of the costs. The

minimum penalty was imposed, upon the express recommendation of the fiscal in view of their spontaneous admission of guilt.

From that sentence both Ubaldo and Tuason appealed, and now make the following assignments of error:

"1. The court erred in sentencing each of the appellants to twelve years and one day of cadena temporal on the strength of their plea of guilty.

"2. The court erred in holding that the appellants fully and clearly understood the consequences of their plea of guilty.

"3. The court erred in not allowing the appellants to withdraw their plea of guilty that they may enter a plea of not guilty."

The main contention of the attorney for the appellants in said three assignments of error is, that the appellants did not fully and clearly realize the meaning and import of their plea of guilty, and that they were not fully apprised by the court of the consequences thereof.

This contention is untenable. A careful reading of the evidence shows that the trial court spared no efforts in order to make sure that the appellants understood fully and clearly the meaning and consequences of their plea of guilty. In the first place, before the arraignment the court repeatedly advised them of their right to have an attorney, but they invariably answered that they did not need an attorney. The trial court, addressing the accused in this connection, said:

(El Juzgado. El Juzgado vuelve a informarles que Vds. tienen derecho, segun la ley constitucional para tener la ayuda y disponer de los consejos de un abogado. Estando como ustedes estan presos, el Juzgado aun tiene obligacion de proveerles de un abogado para aconsejarles.

"Los Acusados (cada uno). No necesitamos los servicios de un abogado.

"El Juzgado. Advertidos de este derecho de tener los servicios de un abogado icontinuan Vds. persistiendo en su conformidad de que les lea la querella hoy, porque estan dispuestos a dar su contestacion?

"Los Acusados (cada uno). Si, senor."

After the information was read in Tagalog to the accused, Antonio Ubaldo entered a plea of guilty, in answer to the questions put to him by the court, as follows:

"El Juzgado. Antonio Ubaldo, ique contesta Vd. a la querella que se le ha leído?

"El Acusado Antonio Ubaldo. Yo me declaro culpable de haber sido inducido por ella a matar a Joaquin Linao porque ella y yo nos amabamos.

"El Juzgado (al acusado Antonio Ubaldo). El Juzgado desea una contestaci6n mas categ6rica y mas clara. i Admite Vd. el cargo que se le imputa en la querella, de haber tratado de privar de la vida a Joaquin Linao en connivencia y cooperation con sus coacusados Felix Tuason, Agapito Toreno, Elpidio Gaspay y Remedios Avelino de Linao, el dia 24 de marzo de 1930, sabiendo Vds. .entonces que Remedios Avelino y el hombre a quien Vds. trataron de matar o sea Joaquin Linao, eran marido y mujer?

"El Acusado Antonio Ubaldo. Si, senor.

"El Juzgado (a los acusados Antonio Ubaldo, Felix Tuason y Agapito Toreno). Al admitir Vds. su culpabilidad en esta causa Elo han hecho sin presion ni influencias de nadie? iHan hecho Vds. esa manifestation con entera libertad?—Antonio Ubaldo, ique contesta Vd. a esa pregunta?

"Acusado Ubaldo. Me declaro culpable espontanea y voluntariamente sin induction de nadie."

The appellant Felix Tuason also entered a plea of guilty, in answer to questions made by the court, as follows:

"El Juzgado (al acusado Felix Tuason). Vd., Felix Tuason, igne es la contestation que da a la querella? iSe declara Vd. culpable o no culpable del delito que alii se le imputa ?

"Acusado Felix Tuason. Me declaro culpable.

* * * * *

"El Juzgado. iVd. recuerda o ha entendido que cuando se leyo la querella aqui Vd. dijo que se declaraba culpable?

"Acusado Tuason. Eso me habia mandado.

"P. Pero Vd. admitio su culpabilidad aqui, I recuerda Vd. eso?—R. Si, senor, recuerdo.

"P. Vd. al declararse culpable Elo hizo libremente sin influencia de nadie y sin presion de ninguna clase?—R. Si, senor.

"P. Vd. sabe que si por su declaration de culpabilidad en esta causa si tal declaration hubiese sido libre y espontanea Vd. podria ser condenado a prision?—R. Si, senor.

"P. Si ese es el caso ahora desea saber el Juzgado si Vd. al declararse culpable obraba libremente y sin presion ni influencia de nadie.—R. Nadie."

The foregoing portion of the evidence taken during the arraignment of the appellants conclusively shows that they entered their plea of guilty freely, voluntarily, spontaneously, and with a full realization of the meaning and consequences thereof, after the same had been clearly explained to them by the court. In view thereof, we are of the opinion that no error was committed by the lower court in denying their motion to withdraw their plea of guilty and to substitute therefor a plea of not guilty.

We deem it convenient to add that the trial court, in its zealous efforts to safeguard the rights and liberties of the appellants and to prevent a miscarriage of justice which might arise from a misunderstanding on the part of the appellants of what they were doing, voluntarily provided a Visayan interpreter for Felix Tuason, who is a Visayan and did not seem to understand Tagalog very well. No such interpreter, however, was called for Ubaldo in view of the fact that his answers showed that he understood Tagalog very well.

In no case heretofore appealed to this court have we found an instance where the trial court displayed greater efforts in acquainting the accused of the nature, meaning and consequences of their plea of guilty, and more zeal for the protection of their rights and liberties, than in the present case. The Philippine Reports may be searched in vain for a case where the accused entered a plea of guilty with a better realization of the meaning and consequences of that plea. As a matter of fact, the accused Agapito Toreno, in view of the warnings and explanations made by the court, immediately withdrew his plea of guilty and entered a plea of not guilty. The appellants, on the other hand, persisted in their plea of guilty until after sentence had been pronounced upon them by the trial court.

Both the law and the facts justify the conclusions of the lower court and the sentence imposed upon the appellants. Said sentence should therefore be and is hereby affirmed, with costs. So ordered.

Street, Malcolm, Villamor, Ostrand, Johns, Romualdez and Villa-Real, JJ., concur.

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