

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. PEDRO DE GUZMAN, DEFENDANT AND APPELLANT.

G.R. No. 46580. September 22, 1939

Ponente: LAUREL, J.

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LAUREL, J.:

On February 17, 1939, in the Court of First Instance of Manila, the assistant fiscal for the City of Manila filed against one Pedro de Guzman an information for qualified theft, alleging therein habitual delinquency under the provisions of article 62 of the Revised Penal Code. The accused was duly arrested and upon arraignment pleaded guilty to the information charging him with qualified theft and habitual delinquency.

On February 21, 1939, the trial court found the defendant Pedro de Guzman guilty as charged and rendered a decision, the dispositive portion of which reads:

"Whereupon, the court upon recommendation of the prosecuting attorney hereby sentences Pedro de Guzman y Sayson to suffer two (2) years, four (4) months and one (1) day of prision correccional; an additional penalty of ten (10) years and one (1) day of imprisonment for being an habitual delinquent; to indemnify the offended party in the amount of P121, and to pay the costs."

Defendant has appealed. Counsel de oficio for the appellant in his brief does not raise any question of fact nor of law and recommends the affirmance of the decision of the lower court. The Assistant Solicitor-General however recommends an increase in the principal penalty.

The only question presented here refers to the propriety of the penalties imposed by the Court of First Instance of Manila. In *United States vs. Burlado* (42 Phil., 72, 74), speaking of the effects of a plea of guilty, we said:

"An appeal from a judgment of conviction, which is based upon a plea of guilty, raises no question of fact, and this court will look to the record only for the purpose of ascertaining whether the penalty imposed is in accordance with the law based upon the facts alleged in the complaint. (*U. S. vs. Tamarra*, 21 Phil., 143; *U. S. vs. Barba*, 29 Phil., 206; *U. S. vs. Jamad*, 37 Phil., 305.)

"A plea of guilty is an admission of all the material facts alleged in the information. When the information charges not only the crime but also that the defendant had been convicted theretofore, a plea of guilty to the charge admits not only the facts constituting the crime with which he is charged in the present case but also the fact that he had been convicted theretofore in the manner charged in the complaint. (*U. S. vs. Barba*, 29 Phil., 206; *U. S. vs. Look Chaw*, 18 Phil., 573.)

"The essence of the plea of guilty in a criminal trial is that the accused admits his guilt freely, voluntarily, and with full knowledge of the consequences and meaning of his act, and with a clear understanding of the precise nature of the crime or crimes charged in the complaint or information. A plea of guilty, when formally entered on arraignment, is sufficient to sustain a conviction of any offense charged in the information without the introduction of further evidence, the defendant himself having supplied the necessary proof by his plea of guilty. (*U. S. vs. Dineros*, 18 Phil., 566; *U. S. vs. Jamad*, 37 Phil., 305.)"

The Government contends that the crime committed is qualified theft as defined by article 310 of the Revised Penal Code, and that therefore, the imposable penalty is the next higher in degree to that provided in paragraph 4, article 309, of the Revised Penal Code, or prision correccional in its medium period to prision mayor in its minimum period, considering the fact that the aggregate value of the stolen goods is P121; and that the aggravating circumstance of recidivism is offset by the appellant's plea of guilty, the penalty should be imposed in its medium period (*People vs. Espina*, 62 Phil., 607), or from four years, two months and one day to six years of prision correccional. We find the contention of the Government to be well taken. The principal penalty of two years, four months and one day of prision correccional imposed upon the appellant is below the prescribed range.

Defendant-appellant is a habitual delinquent, this being his seventh conviction. We find the additional penalty imposed by the lower court to be within the range provided by law. (*People vs. Josen*, G. R. No. 45593, Sept. 23, 1937; *People vs. De Guzman*, G. R. No. 45672, Nov. 29, 1937; *People vs. Bernal*, 63 Phil., 750.)

The principal penalty is accordingly increased to four years, two months and one day, of prision correccional. In all other respects, the judgment of the lower court is affirmed, with costs against the appellant. So ordered.

Avanceña, C. J., Villa-Real, Imperial, Diaz, Concepcion, and Moran, JJ., concur.

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