

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF, VS. ROLANDO CAMAY, ACCUSED.

G.R. No. 51306. July 29, 1987

Ponente: SARMIENTO, J.

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SARMIENTO, J.:

Our main concern in this automatic review is to ascertain that the proceedings in the trial court and the decision^[1] rendered are wholly in accord with law and jurisprudence considering that the accused pleaded guilty to the crime of robbery with homicide, a capital offense.

The procedure to be followed strictly in a situation like this where the accused, with the assistance of counsel, voluntarily pleads guilty to a capital offense is explicitly laid down in Section 3, Rule 116 of the Rules on Criminal Procedure promulgated by the Court, and which went into effect on January 1, 1985. This new rule states:

When an 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 old rule was embodied in Section 5 of Rule 118 of the Rules of Court. It is more succinct.

SEC. 5. Plea of guilty - Determination of punishment. - Where the defendant pleads guilty to a complaint or information, if the court accepts the plea and has discretion as to the punishment for the offense, it may hear witnesses to determine what punishment shall be imposed.

Under the new formulation three (3) things are enjoined of the trial court after a plea of guilty to a capital offense has been entered by the accused:

1. The court must conduct a searching inquiry into the voluntariness and full comprehension of the consequences of his plea;
2. The court must require the prosecution to present evidence to prove the guilt of the accused and the precise degree of his culpability; and
3. The court must ask the accused if he desires to present evidence in his behalf and allow him to do so if he desires.

The amended rule is a capsulization of the provisions of the old rule and pertinent jurisprudence. We had several occasions to issue the caveat that even if the trial court is satisfied that the plea of guilty was entered with full knowledge of its meaning and consequences, the Court must still require the introduction of evidence for the purpose of establishing the guilt and the degree of culpability of the defendant. This is the proper norm to be followed not only to satisfy the trial judge but also to aid the Court in determining whether or not the accused really and truly comprehended the meaning, full significance, and consequences of his plea.^[2]

Four score years ago, this Court first laid down the rule "that Courts of First Instance may sentence defendants in criminal causes (sic) who plead guilty to the offense charged in the complaint, without the necessity of taking testimony. However, 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." [3] The Court continued that "[W]hile 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 the degree of culpability of the defendant. This, however, must be left to the discretion of the trial court." Thus, although Talbanos and a plethora of other cases advise the trial court to receive evidence and to ensure that the accused understands his plea of guilty, at the same time they recognize the discretion of the trial court to convict the accused merely on his plea of guilty if it is convinced that the taking of evidence is not necessary and that the accused understands the allegations of the indictment and the consequences of his plea of guilty. [4]

The trial judge complied faithfully with this strict procedure and more. The records of this case show that after the extensive interviews conducted by the counsel de oficio with his client upon order of the trial Judge, the latter asked the accused a series of questions, fully informing him of the nature of the charge against him and the grave consequences thereof. Even after the accused had entered a plea of guilty and signed the Certificate of Arraignment, all the time with the assistance of counsel de oficio, still the trial court addressed three questions to the accused, to wit:

- 1) whether or not he knew that his plea of guilty was for the crime of robbery with homicide;
- 2) whether or not he understood the gravity of the penalty of death by electric chair for the offense to which he pleaded guilty; and
- 3) whether or not, knowing the severity of the penalty, he still insisted on his plea of guilty.

The accused answered all these three questions in the affirmative. [5]

Subsequently, the trial court ordered the prosecution to present its witnesses to prove the guilt of the accused in the presence of the accused and his counsel.

The first witness for the prosecution was the daughter of the victim, Angelita Madianda, then six years old. She testified that at around 9:00 o'clock in the evening of May 6, 1978, when she and her six months pregnant mother were lying side by side inside their house at Baugo, Caraga, Davao Oriental, ready to sleep, the accused barged into their house. He demanded money from her mother. When her mother said they had no money to give, Rolando Camay hacked her mother several times, her mother not being able to fight back the accused. The accused lived in the same barrio and was a frequent visitor in their house that was why she easily recognized him. ⁶

Pilosopo Madianda, husband of the victim, also testified that in the evening of May 6, 1978, he was in Barrio Albar making copra and when he arrived in their house the following day, he found his wife dead. He also observed their trunk forcibly opened and their money inside, in the amount of P600.00, missing. ⁷

Another witness for the prosecution, Juan Lanquibo, was presented to identify the Death Certificate of Enriquita Madianda (Exh. "C").

The prosecution's last witness was Judge Manuel B. Castro, Municipal Circuit Judge of the Municipal Circuit Court of Baganga and Caraga, who identified the confession of the accused dated May 11, 1978 (Exh. "D"). He also testified that the accused personally subscribed and swore before him his Affidavit of Confession. The Judge even explained to the accused the contents of his Affidavit.

Thereafter, the prosecution made its formal offer of evidence. The accused was then asked to present his evidence, but, maintaining his plea of guilty, he, without much ado, by and through his counsel de oficio, submitted the case for decision.

The trial court, as expected, rendered a verdict of guilty in a decision dated May 2, 1979, but promulgated on June 5 1979. The accused was sentenced to suffer the extreme penalty of death, to indemnify the heirs of the deceased in the amount of P12,000.00 and the stolen amount of P600.00, and to pay the costs.

Now before us, the counsel de oficio, Atty. Ernesto Lumaya, filed, on July 19, 1980, his "Memorandum In Lieu Of Appellant's Brief", dated June 26, 1980. The Solicitor General also filed on November 25, 1985 a "Manifestation and Motion In Lieu Of Appellee's Brief," dated November 17 1980. Both pleadings recommended the affirmance of the Decision under review manifesting that the same is in accordance with law and the evidence.

We are convinced that the guilt of the accused has been proven beyond reasonable doubt in the light of overwhelming evidence presented by the prosecution, fully corroborated and substantiated by the plea of guilty of the accused.

WHEREFORE, the judgment under review is hereby affirmed with the MODIFICATION that the penalty imposed is reduced to reclusion perpetua⁸ and the indemnity to be paid to the heirs of the deceased is increased to THIRTY THOUSAND (P30,000.00) PESOS. With costs against the accused.

Teehankee, C.J., Yap, Fernan, Narvasa, Melencio-Herrera, Gutierrez, Jr., Cruz, Paras, Feliciano, Gancayco, Padilla, Bidin, and Cortes, JJ., concur.

[1] Penned by Judge Roque M. Barnes dated May 2, 1979, Branch III, Court of First Instance, 16th Judicial District, Baganga, Davao Oriental.

[2] People v. Alde, 64 SCRA 224; People v. Echaluze, 66 SCRA 221; People v. Hondolera, 72 SCRA 422; People v. Pajarillo, 94 SCRA 828; People v. Villacores, 97 SCRA 567;

[3] People v. Talbanos, 6 Phil. 543, October 29, 1906.

[4] U.S. v. Agcaoili, 31 Phil. 91, 93-94; U.S. v. Janad, 37 Phil. 305, 317-318; People v. Sabilul, 93 Phil. 567.

[5] T.s.n., session of September 26, 1978, 4-5.

⁷ Session of March 21, 1979, 13-19.

⁸ CONST., art. III, sec. 19 (1).

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