

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. HENRY SAMIANO AND REYNALDO DUSAL, ACCUSED-APPELLANTS.

G.R. No. 52832. May 14, 1985

Ponente: ABAD SANTOS, J.

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ABAD SANTOS, J.:

This is an automatic review of the decision of the defunct Circuit Criminal Court stationed in Pasig, Metro Manila, which imposed the death penalty on HENRY SAMIANO and REYNALDO DUSAL on their plea of guilty, without requiring the prosecution to introduce evidence. As expected, counsel de oficio for the accused-appellants has questioned the regularity of the procedure and assigned it as error in support of his prayer that the decision be set aside and a new trial be ordered.

In Criminal Case No. CCC-VII-1168-Rizal, Henry Samiano and Reynaldo Dusal were accused of MURDER by means of an information which reads as follows:

"That on or about April 9, 1971 in the New Bilibid Prison, Muntinlupa, Rizal, Philippines and within the jurisdiction of this Honorable Court, the said accused while then confined at the said institution, conspiring, confederating and acting together and each armed with an improvised deadly weapon, did then and there willfully, unlawfully and feloniously assault and wound therewith one JOSEPH BAUTISTA, No. 73225-P, a sentenced prisoner in the same institution, inflicting upon him multiple stab wounds, while then unarmed and unable to defend himself from the attack launched by the accused, as a result of which the said Bautista died instantly;

"That the offense when committed by the above accused was attended by the qualifying circumstance of treachery and the generic aggravating circumstance of evident premeditation and recidivism, the accused Reynaldo Dusal having been sentenced by the CFI of Western Samar for the crime of Homicide on June 3, 1970 while the accused Henry Samiano was sentenced by the CFJ of Samar for the crime of Homicide on Oct. 19, 1962," (Expedience, p. 1.)

When the case was heard on August 19, 1972, the following transpired:

"Court—

Appearances.

Atty. [Vidalde la] Vega—

For the accused, your honor, I have conferred with the accused regarding the charge against them and informed them of the consequences and they are ready to be arraigned.

Court —

Arraign the accused.

(Interpreter reading the information to the accused.)

Interpreter —

Q What is your plea?

H. Samiano —

A Yes, sir,

R. Dusal —

A Yes, sir, guilty.

Court —

Did you voluntarily surrender?

H. Samiano —

Yes, sir.

R. Dusal —

Yes, sir.

Court —

Do you have the intention to commit so grave a wrong?

H. Samiano —

No, your honor.

R. Dusal —

No, your honor.

Court —

Are you aware of the fact that if you will plead guilty you will certainly get the death penalty under Article 160 of the Revised Penal Code?

H. Samiano —

Yes, sir.

R. Dusal —

Yes, sir.

Court —

Notwithstanding that fact, you insist on pleading guilty?

H. Samiano —

Yes, sir.

R. Dusal —

Yes, sir.

Court —

Since when have you thought of pleading guilty?

H. Samiano —

Since the statement was taken from us.

R. Dusal —

Since my statement was taken.

Court —

And that was the time you have soul searching?

H. Samiano —

Yes, sir.

R. Dusal —

Yes, sir.

Court —

As a matter of fact from that time up to the present, you have that remorse of conscience?

II. Samiano —

I am repenting.

R. Dusal —

I am repenting.

Court —

Do you promise that you will not commit any wrong in the event that the death penalty is commuted to life by the President, you will not commit any crime while serving sentence?

H. Samiano —

I promise I will never commit any crime.

R. Dusal —

I promise I will not commit any wrong.

Court —

What is your comment Fiscal?

Fiscal [Francisco Ma.] Guerrero —

Your honor, I have alleged in the information aggravating circumstances which I am aware would not affect the penalty considering the provisions of Article 160 of the Revised Penal Code. For this matter, feeling that we have no alternative but to impose the death penalty, I would ask the Honorable Court to make in its decision a recommendation to the Chief Executive that the sentence be commuted to life only, considering the remorse of conscience of the accused.

Court —

Do you agree to the recommendation of the-fiscal that the death penalty be commuted to life?

H. Samiano —

Yes, sir.

R. Dusal —

Yes, sir.

Fiscal Guerrero —

I also make reference to the records of the accused because I do not discredit the fact that there are prisoners who are remorseful of the offense they committed. While there are hardened criminals that could not be reformed, I believe that with the system of screening them, we would at least minimize them.

Court —

These people are committing crimes because it is the fault of society and maybe the government and maybe politicians. They are sick of social cancer." (TSN, pp. 2-5.)

Thereafter the trial judge dictated his decision in open court and meted the following sentence:

"WHEREFORE, in view of the voluntary and spontaneous confession of guilt made by the accused Henry Samiano and Reynaldo Dusal, the court finds them guilty, beyond reasonable doubt, of the crime of Murder pursuant to Article 248 of the Revised Penal Code, as charged in the Information, and hereby sentences them to suffer the penalty of DEATH; to indemnify the heirs of the victim in the amount of P12,000.00 jointly and severally; to pay P10,000.00 as moral damages and another P10,000.00 as exemplary damages; and to pay their proportionate share of the cost. However, the court believes and so holds that the penalty is too excessive, considering the remorse of conscience shown by the accused and accordingly, it is hereby recommended to the Chief Executive, thru the Department of Justice, that the death penalty imposed by this court be commuted to life, since even the Special Prosecutor is in conformity with it." (Expediente, pp. 5-6.)

Before this Court, counsel de oficio makes the following assignment of errors:

"1. THE TRIAL COURT ERRED IN DISREGARDING THE GUIDELINES SET BY THIS HONORABLE COURT IN THE CONDUCT OF ARRAIGNMENT OF ACCUSED PERSONS PLEADING GUILTY TO CAPITAL OFFENSES.

"2. THE TRIAL COURT ERRED IN FINDING THAT THE ACCUSED COMMITTED THE CRIME WHILE SERVING SENTENCE BY VIRTUE OF A FINAL JUDGMENT.

"3. THE TRIAL COURT ERRED IN RULING THAT THE ACCUSED ARE GUILTY OF MURDER AND IN IMPOSING THE DEATH PENALTY."

On the first assignment of error, it can be stated that it was the practice of the trial judge to impose the death penalty upon a mere plea of guilty and without requiring the prosecution to present evidence in disregard of Our

injunction for "trial judges to refrain from accepting with alacrity an accused's plea of guilty, for while justice demands a speedy administration, judges are duty bound to be extra solicitous in seeing to it that when an accused pleads guilty he understands fully the meaning of his plea and the import of an inevitable conviction." (People vs. Saligan, L-35792, Nov. 29, 1973; 54 SCRA 190, 195, citing People vs. Apduhan, L-19491, Aug. 30, 1968; 24 SCRA 798.) Deviation from the injunction usually mandates nullification of the judgment and the conduct of a new trial. However, the case at bar is a happy exception for it is simple and uncomplicated. The transcript of the proceedings shows that the accused fully understood the charge that they killed Joseph Bautista. Thus this Court held in People vs. Gonzales, L-33303, Nov. 21, 1980, 101 SCRA 246, 250-251:

"It is not always de rigueur or mandatory upon the trial court to receive evidence when a plea of guilty is entered in capital cases. The court has discretion to dispense with the reception of evidence (People vs. Duaban, L-31912, August 24, 1979, 92 SCRA 743).

"The rule, based on the guidelines laid down in the leading case of U.S. vs. Jam ad, 37 Phil. 305, is succinctly stated by Justice Diaz in People vs. Palnpe, 69 Phil. 703, 705 in this manner:

'Cuando un acusado admite libre y voluntariamente su delito con plena conocimiento de la índole exacta del mismo, su admission, a me/or dicho, su confesion, hecha en dichas circunstancias, es suficiente para justificar la imposicion de la pena que para dicho delito hay prescrita por la ley.

'Es discrecional en los juzgados permitir la presentacion de pruebas adicionales despues que el acusado haya confesado formalmente su delito.

'Tan solo es prudente y necesario tal vez, requerir la presentacion de otras pruebas ademas de las que el mismo acusado suministra mediante su confesion libre y voluntaria, cuando hay un asomo de duda de que al hacerla, no la hace estando bien impuesto de los verdaderos hechos, y de las consecuencias de su acto.'

"In the instant case, the trial court did not abuse its discretion in not requiring the presentation of evidence after the seven accused had separately entered their pleas of guilty. There is no doubt as to their guilt.

"In People vs. Santos and Vicente, 105 Phil. 40, People vs. Ala, 109 Phil. 390, People vs. Yamson and Romero, 109 Phil. 793, People vs. Yamson, 111 Phil. 406 and People vs. Perete, 111 Phil. 943, five cases involving the killing by prisoners of their fellow prisoners, this Court upheld the death penalty imposed by the trial court on the basis of the plea of guilty entered by the accused even if the prosecution was not required to present evidence."

The second assignment of error is impressed with merit.

According to the trial court it had to impose the death penalty because of Article 160 of the Revised Penal Code which stipulates that "any person who shall commit a felony after having been convicted by final judgment, before beginning to serve such sentence, or while serving the same, shall be punished by the maximum period of the penalty prescribed by law for the new felony." The penalty for murder, according to Article 248 of the same Code, is reclusion temporal in its maximum period to death.

It is true that when an accused enters a plea of guilty he admits all of the material averments in the information. But a careful reading of the information shows that there is no allegation to the effect that each of the appellants was serving final sentence at the time they committed the crime. What was alleged and admitted was "the accused Reynaldo Dusal having been sentenced by the CFI of Western Samar for the crime of Homicide on June 3, 1970 while the accused Henry Samiano was sentenced by the CFI of Samar for the crime of Homicide on Oct. 19, 1962." This admission cannot be a basis for the conclusion that the accused were each serving final sentence. For this reason it was error on the part of the trial court to apply Article 160 of the Revised Penal Code.

It is unnecessary to discuss the third assignment of error.

In the light of the foregoing, the situation of the appellants is:

They are guilty of murder qualified by treachery and aggravated by evident premeditation only. They are entitled to the mitigating circumstances of voluntary surrender and plea of guilty. It follows that the appropriate penalty is reclusion perpetua. (See Art. 64 (4), Revised Penal Code.)

WHEREFORE, the judgment under review is modified in that each of the appellants is sentenced to suffer the penalty of reclusion perpetua and to indemnify solidarity the heirs of the deceased in the amount of P30,000.00, and to pay a proportionate share of the costs.

SO ORDERED.

Teehankee, (Actg. C.J.), Makasiar, Aquino, Melencio-Herrera, Planet, Escolin, Relova, Gutierrez, Jr., De la Fuente, Cuevas, and Alampay, JJ., concur.

Fernando, C.J. and Concepcion Jr., J., on leave.

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