

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. BENJAMIN PUZON Y MARCAIDA, ACCUSED-APPELLANT.

G.R. No. 60559. December 02, 1987

Ponente: GUTIERREZ, JR., J.

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GUTIERREZ, JR., J.:

This is an automatic review of the decision of the Circuit Criminal Court, 7th Judicial District, Pasig, Metro Manila, imposing on the accused Benjamin Puzon y Marcaida the penalty of death. The dispositive portion of the decision reads:

"Sa gayon paraan, dahil sa kusang loob na pag-amin ng nasasakdal, napatunayan ng Hukumang ito, nang walang pag-aalinlangan na siya ay nagkasala sa paglabag sa Artikulo 335 ng Binagong Kodigo Penal, Artikulo 294, na ayon sa sakdal, at siya ay pinarurusahan nang KAMATAYAN. Pagbabayaran din niya ang biktima ng halagang P100,000.00 dahil sa pagsira sa moral, at karangalan at upang maging halimbawa sa sinumang gagawa nang ganitong karumaldumal na gawain. Pagbabayaran din niya ang gastos ng Pamahalaan sa usaping ito." (p. 8, Rollo)

On April 23, 1979, Cayleen M. Kahayon filed a complaint against the accused Benjamin Puzon for the crime of "rape with robbery" committed as follows:

"That on or about the 9th day of April, 1979, in the municipality of Pasig, Metro Manila, Philippines, a place within the Jurisdiction of this Honorable Court, the above-named accused, with lewd designs, by means of force and intimidation and at the point of a gun, did, then and there wilfully, unlawfully and feloniously have carnal knowledge with the undersigned against her will and consent; that on the occasion of said rape, in the furtherance of his criminal act, did, then and there wilfully, unlawfully and feloniously take, steal and carry away the amount of P600.00, belonging to the offended party, to the damage and prejudice of the latter in the aforementioned amount of P600.00. (p. 1, Original Records)

The facts attendant to the commission of the crime charged are as follows:

"Ayon kay CAYLEEN KAHAYON noong ika-7 ng Abril, 1979 siya ay papauwi na buhat sa Loyola Memorial Chapel sa Guadalupe. Ang nasasakdal ay lumapit sa kanya at nagtanong ng oras, pagkatapos noon ay tinanong ang kanyang pangalan, ang kanyang pinagtratrabahuhan at ang kanyang tirahan. Sinabi nang nasasakdal na siya ay isang doktor at ang pangalan niya ay DR. ARTURO YUPANGCO, anak siya nang mga multi-millionaryong angkan nang mga YUPANGCO, may ari at nagtitinda nang YAMAHA Organ at bahay sanlaan nang mga YUPANGCO. Nang sumunod na araw, Abril 8, ika-8:00 ng gabi habang si KAHAYON ay papasok sa trabaho nakita niya ulit ang nasasakdal na si BENJAMIN PUZON sa Del Pan. Tinawag siya ng nasasakdal sa kabila ng kanyang pagtataka. Sinabi ng nasasakdal na siya ay nakatira sa MAGALLANES VILLAGE at inutusan daw siya nang kanyang ama upang kumbidahin ang mga doktor sa ST. ANNE'S HOSPITAL dahil di umano ay anibersaryo nang kasal ng kanyang mga magulang at may pa-raffle sila nang YAMAHA Organ sa Abril 28 at siya daw ang bubunot nang stub. Kinumbida siya nang nasasakdal at dadayain daw niya ang pag-ra-raffle at si BB. KAHAYON ang mananalo. Ang isang YAMAHA ORGAN ay nagkakahalaga nang P25,000.00. Niyaya siya nang nasasakdal sa Barrio Fiesta sa Makati at pagpasok nila sa

nasabing restaurant ay sumaludo ang nasasakdal na si BENJAMIN PUZON alias DR. ARTURO YUPANGCO at sumaludo naman ang mga Waiter, at sabi 'Doktor doon po kayo sa second floor'. Napansin nang nagsasakdal na kumindat siya sa isang babae at ipinakilala ito sa kanya na CORA ang pangalan at sabi 'Dok, yan na ba?' Ang nasasakdal ay nagkuwento tungkol sa kanyang pamilya, nang mga YUPANGCO at tiniyak niya na siya ay isang multi-millionaryo at may ipinakita pa itong larawan na di umano siya daw ay graduate na SUMMA CUM LAUDE sa SILIMAN UNIVERSITY at ipinakita niya ang larawan nang isang malaking bahay sa MAGALLANES. Sila ay kumain ng salad at dahil sa nagmamadali ang nagsasakdal na pumasok sa trabaho siya ay pinigilan nang nasasakdal na si BENJAMIN PUZON alias DR. ARTURO YUPANGCO at niyakag siyang magpunta sa PENINSULA HOTEL at doon sila uminom ng juice. Pagkatapos kumain ay inihatid nang nasasakdal si CAYLEEN KAHAYON sa Food Terminal sa Taguig, Metro Manila. Nang sila ay makarating doon ay may binati ang nasasakdal na isang babae na nangangalang VICKY DE LARA at tinawag din siya ng DOKTOR at tinanong siya kung bakit naroon siya. Kumain sila; ipinakilala siya nang nasasakdal kay VICKY DE LARA at sinabing nang nasabing VICKY sa kanya ang ganito, 'iba yon, si DR. YUPANGCO YON, ang SUWERTE MO NAMAN'. Ang sumunod na araw ay Fiesta Opisyal; ang nagsasakdal na si CAYLEEN KAHAYON ay papasok nang gabing iyon, nakita niya ulit ang nasasakdal sa Barrio Fiesta sa Makati, at kumain sila nang salad. Sinabi sa kanya nang nasasakdal na ihahatid na siya nito sa kanyang trabaho; pumayag siya sa dahilang naihatid na siya nito noong isang gabi. Tumawag nang taxi ang akusado subalit sa halip na siya ay ihatid sa kanyang trabaho ay inutusan ang tsuper na sila ay ihatid sa Pasig. Habang sila ay nasa taxi ay bigla na lang niyakap ng akusado ang biktima at ipinakita niya dito ang barrel na kanyang daladala at ang sabi nang nasasakdal, 'pasasabugin ko ang ulo mo kung ikaw ay sisigaw, kayang-kaya kong bayaran ang iyong buhay, Yupangco yata ito'. Natakot ang biktima at nalaman na lang niya na siya ay dinala sa Orchids Motel. Pagdating nila sa Orchids Motel ay sa VIP room siya dinala sa kuwartero numero 39 at sinabi pa rin ng nasasakdal na ang kuwartero numero 40 ay sa kanyang tiyo, sinabi pa rin niya sa biktima na sila ang may-ari nang Orchids Motel. Ayaw pumasok nang biktima sa kuwartero dahil sa siya ay natatakot subalit patuloy na tinatakot siya ng nasasakdal sa pamamagitan ng hawak nitong barrel. Pagpasok nila sa kuwartero ang nasasakdal ay nagpunta sa palikuran kaya ang biktima ay tumakbo sa telepono upang tumawag subalit ang telepono ay isang intercom lamang. Walang nagawa ang biktima kundi ang umiyak at magmakaawa sa nasasakdal subalit walang nangyari kundi tinakot lamang siya nito sa pamamagitan ng barrel. Tinutukan siya nang barrel at pinahiga sa kama at sa takot ni Cayleen ay napilitan siyang humiga. Inilagay ng nasasakdal ang barrel sa ulunan at pumatong ito sa biktima; siya ay sapilitang hinubaran, inalis ang kanyang bra at sapilitang hinubad ang kanyang panty. Siya ay hinalikan sa mukha, sa labi, pisngi at pababa sa dibdib, sa suso sa buong parte ng katawan niya at dinilaan ang kanyang ari at pagkatapos ay ipinasok ng nasasakdal ang kanyang ari sa ari ng nagsasakdal. Sa gayon ay napasigaw ang nagsasakdal nang 'Dios ko, ang sakit'. Pagkaraan nang ilang sandali siya ay muling tinakot sa pamamagitan ng pagtutok ng barrel at siya ay pinadapa sa kama at pinapikit ang kanyang mata, pinatay ang ilaw at pagkatapos ay binuksang muli at pagkatapos ay sinabi sa kanya ng nasasakdal na sisirain ang kanyang buhay at pati na ang kanyang trabaho sapagkat siya ay nakunan nang larawan na naka hubo't hubad at sinabi pa rin na ikakalat niya ito. Kinuha sa kanyang pitaka ang halagang P600.00 at isang lighter na Windmill. Kinuha pa rin nito ang isang ID solo at grupong litrato at siya ay pinagbantaan na ang lahat nang gamit na kanyang kinuha ay gagamitin niya laban sa nagsasakdal. Palalabasin nito di umano na siya ay napagnakawan at iiwan nito ang mga gamit niya upang siya ang mapagbintangan na kasabuwat ng magnanakaw. Kaya kinakailangan ay sundin niyang lahat ang gusto nito. At sa kanilang pag-uwi habang daan ay hinihingian siya nito nang P1,000.00 at kung hindi siya magbibigay ay papatayin siya nito. Napilitang mangutang ang biktima upang siya ay hindi maeskandalo, at nakautang siya sa kanyang kasamahan sa trabaho nang halagang P1,000.00. Sinabi sa kanya ng nasasakdal na kukunin ito sa kanya nang Abril 11 sa ganap na alas 7:00 nang umaga subalit hindi ito dumating at siya ay naghintay hanggang alas 9:00 ng umaga. Nang bandang alas 11:00 ng tanghali ang nasasakdal ay dumating sa bahay nang biktima sa Sta. Ana, Maynila. Siya ay pinatuloy ng kanyang ina at sila ay nag-usap. Sinabi sa kanya na papatayin siya at ang lahat nang miembro nang kanyang pamilya at kinuha sa kanya ang pera at sinabi na hindi pa tapos ang kanyang misyon. Napaiyak si Cayleen sa pagaakalang iyon na ang katapusan at hindi na siya gagambalain at muli siyang tinakot na huwag magsusumbong kahit kanino kundi ay papatayin siya at ang miembro nang kanyang pamilya. Subalit

siya ay nagsumbong sa kanyang ama at siya ay sumailalim sa isang pagsusuri ni Dr. Dario Gajardo. Nagsalaysay si Dr. Gajardo na ang laceration nang hymen ay sariwa pa kahit na siya ay iniksamin nang makalipas ang pitong araw pagkatapos na siya ay gahasain. x x x." (pp. 46-50, Original Records)

On April 24, 1979, upon arraignment, the accused pleaded guilty (p. 14, Original Record).

Accused-appellant raises the following assignments of errors:

I

THE PROCEEDINGS IN THE TRIAL COURT WERE IN VIOLATION OF THE CONSTITUTIONAL RIGHTS OF THE ACCUSED AND HENCE NULL AND VOID.

II

ASSUMING ARGUENDO THAT A PLEA OF GUILTY WAS MADE BY PUZON, THE TRIAL COURT ERRED IN FINDING PUZON GUILTY OF THE CRIME CHARGED ON THE BASIS OF HIS PLEA SINCE IT WAS IMPROVIDENTLY ENTERED WITHOUT KNOWLEDGE OF THE MEANING AND CONSEQUENCES OF HIS ACT.

III

ASSUMING ARGUENDO, THAT PUZON WAS GUILTY OF THE CRIME CHARGED, THE TRIAL COURT ERRED IN IMPOSING THE MAXIMUM PENALTY OF DEATH SINCE THE PROSECUTION NEITHER ALLEGED NOR PROVED ANY AGGRAVATING CIRCUMSTANCES. (p. 43, Rollo)

Accused-appellant's first assigned error is based on the claim that his plea of guilty was not definite -- that the same was not made knowingly, intelligently, and voluntarily and, is therefore, in violation of his constitutional rights to be presumed innocent.

The foregoing is premised on the portion of the arraignment proceeding which reads:

"Q: Are you aware that you will be punished in accordance with law?

"A: Yes, sir. I have nothing to do, I am only poor.

ATTY. AGOOT:

"Your Honor, in view of the manifestation of the accused, may I request of (sic) the guilt (sic) of the accused be pleaded NOT GUILTY. (sic) May I ask some clarificatory evidence?

COURT:

"Are you aware Mr. Accused by pleading guilty of (sic) this offense you may be punished in accordance with the law?

FISCAL ANGELES:

"May I make of record that the accused is tantamount (sic) to answer the question of the court.

COURT:

"Let the presentation of evidence for the prosecution be set tomorrow, 25 April 1979, at 8:00 o'clock in the morning. SO ORDERED." (pp. 101-102, Arraignment proceeding, April 24, 1979).

We agree with the Solicitor General that the plea of guilty by the accused was validly made.

The reply of the accused to the question regarding his awareness of the implications of his plea during the arraignment, shows that he fully understood the admission of guilt. It cannot be said that the accused uttered his plea unknowingly as he answered in the affirmative when asked by the Judge if he is aware that by pleading guilty to the offense he may be punished in accordance with the law (Original TSN, Arraignment). The plea was made by him in the presence of counsel. The additional clause, "I am only poor", does not vitiate the validity of the plea.

Furthermore, the educational attainment of the accused, a Marine Officer, and his intellectual capacity as evidenced by his grades in his collegiate transcript of records (p. 28, Rollo) negate the claim that he did not understand the gravity of the offense he committed and the consequences of his plea of guilt.

Even if the plea of the accused is one of guilt, the court must still receive evidence to determine whether or not the accused erred in his pleading guilty. This, the trial court did. The prosecution was able to present sufficient evidence to establish the guilt of the accused. The victim herself testified on the accused having committed the crime against her. As held in *People v. Aragona*, (138 SCRA 569); and *People v. Ramos*, (128 SCRA 266), the accused may be convicted on the sole basis of the complainant's testimony, if credible. In this case, there is no reason to doubt the credibility of the victim. In fact, the accused himself admitted that he brought the victim to the place of the crime (p. 39, Original Records). He brought her to the motel for a criminal design. He was able to accomplish that purpose. Moreover, the records show that the victim was of a decent background and was in fact holding a good job at the Food Terminal, Inc., when the crime happened. All other evidence including the medico-legal report (p. 30, Original Records, Exh. "B") point to the commission of the crime as testified by the victim and to the guilt of the accused.

The pretensions of the appellant challenging the validity of the plea he entered are devoid of merit in the face of the prosecution evidence. Even without any plea, the evidence is sufficient to convict him.

The defense also assails the denial of its request to prove the mitigating circumstance of plea of guilt.

The position taken by the appellant is self-contradictory. In one assignment of error, he states that the plea of guilt was improvidently made and should be set aside. In another, he argues that he should have been allowed to present proof of a mitigating circumstance which is the plea of guilt. At any rate, the appreciation of the plea of guilt as a mitigating circumstance has become moot with the commutation of the penalty to reclusion perpetua.

On the second assigned error, the claim that the plea was improvidently made has been negated by the fact that the offended party herself testified and was extensively cross-examined by the counsel of the accused. His guilt was established sufficiently by testimony.

The contention of the accused-appellant that the conviction was made on the basis of his plea and that the same should be set aside in accordance with the *Nismal* ruling is untenable. The *Nismal* ruling (*People v. Nismal*, 114 SCRA 487) applies only to convictions which are based on a plea of guilty in capital offenses where such plea is the sole basis of the judgment. As clearly shown by the records, the conviction is predicated not so much on the plea as on the evidence proving the commission by the accused of the offense charged. The objective of the trial court in taking the testimony of the prosecution witnesses despite the plea of guilt is for the court to satisfy itself that the accused did not err in admitting his guilt; that even without his plea, the evidence from the prosecution would be sufficient to convict him.

The defense of the accused-appellant is further weakened by other cases which have been reported against him. (pp. 72 and 73, tsn., May 3, 1979) According to the records, the same *modus operandi* had been employed by him in nineteen (19) other cases (p. 51, Original Records).

In the face of the evidence presented, there is more than sufficient proof to sustain a judgment of conviction. The counsel for the appellant asks for a sentence of reclusion perpetua. The prayer has become academic because of the 1987 Constitution.

WHEREFORE, the judgment appealed from is hereby **AFFIRMED** with the **MODIFICATION** that the **PENALTY** shall be **RECLUSION PERPETUA**.

SO ORDERED.

Fernan (Chairman), Feliciano, Bidin, and Cortes, JJ., concur.

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