

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. RUFINO DINEROS, DEFENDANT AND APPELLANT.

G.R. No. 6102. March 11, 1911

Ponente: CARSON, J.

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CARSON, J.:

The information filed in this case is as follows:

"The undersigned charges Rufino Dineros with a violation of the Election Law, committed as follows:

"In the municipality of Sorsogon, Province of Sorsogon, P. I., on or about the 2d of October of the present year, the said accused voluntarily, intentionally and maliciously, knowingly disregarding the truth with the intention of registering himself as an elector in precinct No. 2 of the aforesaid municipality, did, in a written declaration, take path and declare before the election inspectors of the said precinct, with regard to important facts, that he was not delinquent in the payment of any public tax, when in reality he was; with violation of the Election Law."

United with the record we find the following duly certified extract from the daily minute book kept by the clerk of the court wherein this case originated, under the supervision of the presiding judge:

"The United States vs. Rufino Dineros. Criminal Case No. 632. Violation of the Election Law.

"I certify that in the day book of the sessions of this court are to be found the entries which, copied literally, read as follows:

" 'Morning session of March 13th, 1910.

" 'The United States vs. Rufino Dineros. Criminal Case No. 632. Violation of the Election Law.

" 'In the presence of the fiscal and the accused, the latter being attended by his counsel, Attorney Olbes, the complaint was read and translated to the said accused who said thereafter that he deemed himself to be guilty. Judgment was rendered. (May be found in the record of the case.)

" 'Afternoon session of March 14th, 1910.

" 'The United States vs. Rufino Dineros. Criminal Case No. 632. Violation of the Election Law.

" 'An order was issued admitting the appeal.

" 'In witness thereof I sign these presents, in the Court of First Instance of the Province of Sorsogon, April 29, 1910.

" 'LEON GALAROSA,

" 'Deputy Clerk of the Court' "

The judgment entered by the trial court is as follows:

"UNITED STATES OF AMERICA, PHILIPPINE ISLANDS.

"Court of First Instance of the Province of Sorsogon, Fifteenth Judicial District. The United States vs. Rufino Dineros. Criminal Case No. 632. Violation of the Election Law.

"(ORIGINAL CASE.)

"Patricio Bailon, provincial fiscal, for the Government. "Federico Olbes, attorney for the defendant.

"JUDGMENT.

"This case having been called for hearing, the accused, after the complaint had been duly read and translated to him, freely and voluntarily pleaded guilty to the crime charged against him therein.

"Therefore, in view of the confession of guilt made in open court by the accused, judgment was rendered by sentencing him to pay a fine of two hundred pesos and the costs, with the corresponding subsidiary imprisonment in case of insolvency of the said fine and costs.

"JOSE C. ABREU,

"Judge of the Fifteenth District"

After the filing of this judgment no further proceedings were had in the court below, save only the formal entry of an appeal by the defendant, its allowance by the trial court and the approval of the bail bond.

The following certificate filed with the record brought here on appeal, explains itself:

"I, Leon Galarosa, deputy clerk of the Court of First Instance of the Province of Sorsogon, P. I.,

"Certify: That from this place a document was removed which, copied literally, reads as follows:

" 'United States of America. - Philippine Islands. - In the Court of First Instance of Sorsogon. - The United States vs. Rufino Dineros. For violation of the Election Law. - Whereas the accused, Rufino Dineros, was sentenced, on March 3d, 1910, in the Court of First Instance of Sorsogon, to pay a fine of two hundred pesos and the costs, for a violation of the Election Law; and whereas an appeal had been entered and his release has been granted under condition of a five hundred peso bail, therefore we, Victorino Dineros and Vito Labsa, hereby bind ourselves, jointly and severally, as guarantors that he will at all times be willing to comply with the orders and determinations of the court and that, in case of conviction, he will appear to hear the judgment and will comply therewith; and in case of a failure to comply with any of these obligations, we likewise bind ourselves to pay to the United States the sum of five hundred pesos. - We also declare that we are solvent for the amount of five hundred pesos, with exclusion of our other obligations. - Sorsogon, March 15, 1910. - Victorino Dineros. - Surety. - Vito Labsa. - Surety. - Signed and sworn to before me, this 15th day of March, 1910. - Victorino Dineros exhibited to me his personal cedula, No. 440241, issued in Sorsogon, on January 18, 1910. - Vito Labsa exhibited to me his personal cedula, No. 440234, issued in Sorsogon, on January 18, 1910. - Jose de Vera. - Clerk of the Court. - There is an impression stamp which reads thus: Court of 1st Instance Sorsogon. - Approved this 15th day of March, 1910. - (Sgd.) Jose C. Abreu. - Judge.' "The preceding copy agrees with its original which, for such purposes as are required, is kept in the office of the clerk of the court, which is under my charge.

"Sorsogon, April 29, 1910.

"LEON GALAROSA,

"Deputy Clerk of the Court"

Counsel for appellant, appointed de oficio by this court, makes no attempt to show a real miscarriage of justice in this case. Indeed the facts disclosed by the record would not justify any attempt to do so. Counsel, therefore,

substantially limits himself to directing the attention of the court to the fact that, while the judgment pronounced by the court below bears date of the 3d. day of March, 1910, and sets out as a fact that the accused pleaded guilty on his arraignment, it appears from the minutes of the proceedings in the court, as kept by the clerk, that the arraignment did not take place until the 13th day of March, 1910, and that when the defendant entered his plea, he merely said that he deemed himself to be guilty (*que se considero culpable*).

The foregoing extracts from the record clearly set forth the grounds on which counsel's criticisms are based.

As to the discrepancy in the record touching the dates, we think that conceding every reasonable presumption in favor of the appellant, and granting that in dating his judgment as of the 3d day of March, 1910, the trial judge fell into a clerical error and that the judgment should have been dated as of the 13th of March, 1910, in order to conform to the real facts, nevertheless such error was at most error without prejudice. If as a result of the alleged erroneous dating of the judgment, or of its entry, the defendant were in danger of losing his right to appeal or any other substantial right, it might, indeed, be important to have the correctness of the date of the judgment inquired into and any clerical error therein corrected. But in this case there can be no danger that any substantial right of the appellant has been or can be prejudiced, granting that the judgment was incorrectly dated.

As a matter of fact, however, we do not think that the correctness of the date which appears on the face of the judgment is successfully impeached by a mere reference to the conflicting date which appears in the copy of the minutes kept by the clerk. It has in its favor all the presumptions of truth and accuracy in favor of a solemn judgment, rendered by the judge presiding in the court below. Its correctness was not questioned by the defendant at the time when it was entered, or pending the perfection of the appeal to this court. Its accuracy is in some sort corroborated by the recitals contained in the bail bond filed by the appellant himself, at the time when he perfected his appeal. And no attempt is made, by affidavits or otherwise, to show that the date which appears on the face of the judgment was not the true date on which it was rendered.

Similar reasoning disposes of counsel's attempt, by reference to this discrepancy in dates, to impeach the truth and accuracy of the solemn recital in the judgment that the defendant, prior to the time when it was rendered, was duly arraigned and pleaded to the information. In the absence of all proof to the contrary, we must conclude, either that the trial was had and the judgment entered on the 13th day of March, 1910, in which case the date which appears on the judgment is a clerical error of the judge, but an error without prejudice, as we have already said; or that the trial was had, the plea entered, and the judgment rendered on the 3d day of March, 1910, in which case the date which appears in the extract from the minutes is a clerical error of the clerk of the court, which, of course, in no wise prejudices the appellant, and is no cause for reversal. The trial judge having solemnly declared in his judgment that the accused was duly arraigned, pleaded to the charge, and thereupon his judgment was rendered; and the clerk's minutes clearly setting out that the accused was duly arraigned, pleaded to the charge, and that thereupon judgment was entered, it is absurd to contend that we would be justified in holding both these solemn recitals of fact to be false, merely because of a discrepancy in the dates of the record of the proceedings wherein they are set out, a discrepancy which may be readily accounted for by the accidental insertion of a 3 instead of a 13, or a 13 instead of a 3, in one or the other of the instruments in which the account of the proceedings is set forth.

As to counsel's attempt to impeach the correctness of the statement in the opinion of the trial judge wherein he sets forth that the accused declared himself guilty of the crime of which he was charged, by a reference to the statement in the minutes of the clerk which makes it appear that on arraignment, the accused said that he considered himself guilty, we think it is sufficient to say that we find no substantial difference between the statements of fact which both clearly set forth, to wit, that on arraignment the accused pleaded "guilty." The essence of the plea of "guilty" in a criminal trial, is that the accused, on arraignment, admits his guilt, freely,

voluntarily, and with a full knowledge of the consequences and the meaning of his act. We do not think that the form of this admission is of vital importance, provided the admission of guilt is clear, definite, and unconditioned. Upon the solemn arraignment of the accused in the course of criminal proceedings against him, when he is asked whether he is guilty or not guilty of the offense charged in the complaint or information, the answers "Guilty;" "I am guilty;" "I consider myself guilty;" and "I declare myself guilty;" are all, under the circumstances, substantially similar and of like effect. It is the fact that the accused upon arraignment admits his guilt of the offense charged in the complaint or information which is important, not the form of the language in which he does it.

We may observe, however, in this connection, that in our opinion, the form used by the trial judge in setting out the fact that a plea of "Guilty" was entered, is distinctly preferable to the form used by the clerk in his minutes; and it would seem that under the practice and usage introduced into these Islands by the publication of General Orders, No. 58, the better form in which the plea should be cast is the literal equivalent in the language or dialect of the accused of the words "I am guilty" or "I declare myself guilty." The judgment of conviction and the sentence imposed upon the appellant in the court below should be affirmed, with the costs of this instance against him.

Arellano, C. J., Mapa, Moreland, and Trent, JJ., concur.

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