

PEOPLE OF THE PHILIPPINES, PETITIONER, VS. BENEDICTO CASTANIO, RESPONDENT.

G.R. No. 73314. March 20, 1986

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Accused Benedicto Castanio, charged with the crime of Murder before the then Circuit Criminal Court, 7th Judicial District, Pasig, Rizal, in Criminal Case No. CCC-71169-Rizal, was found guilty beyond reasonable doubt in the decision rendered in said case, dated August 19, 1972. The dispositive portion of the said judgment reads as follows:

"WHEREFORE, in view of the voluntary and spontaneous confession of guilt made by the accused Benedicto Castanio, the court finds him 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 him to suffer the penalty of DEATH; to indemnify the heirs of the victim the amount of P12,000.00; to pay 10,000.00 as moral damages and another P10,000.00 for exemplary damages; and to pay the costs."

But, paradoxically, in addition to the portion of said decision above-quoted, the said judgment further decreed the following:

"Considering the remorse of conscience shown by the accused, it is recommended to the Chief Executive, thru the Department of Justice, that the death penalty imposed by this Court be commuted to life, since the Special Prosecutor is in conformity with it.

"In consonance with the doctrine laid down by the Supreme Court in the case of People vs. Epifanio Flores, the Special Prosecutor is hereby ordered to present evidence to determine the state of culpability of the accused.

"xxx xxx xxx." (Rollo, pp. 5-6, Underlining supplied.)

The records of the case than indicate that thirteen (13) years later, that is on December 12, 1985, the trial court (now Regional Trial Court, Branch 165, of the National Capital Region, presided over by Judge Milagros B. Caguioa), pursuant to said decision of August 19, 1972, ordered that a hearing be conducted on January 6, 1986, in order for the prosecution to present evidence to determine "the state of culpability of the accused." (Case Records, p. 22).

On January 6, 1986, the Court below issued an order stating therein the following:

"In consonance with the doctrine laid down by the Supreme Court in the case of People versus Epifanio Flores*, this case is set for hearing today in order to prove the culpability of the accused.

* (People vs. Epifanio Flores, L-32962, July 30, 1971, 40 SCRA 230)

But since no witness for the prosecution appeared, as manifested to by the Trial Fiscal that prisoners R. Mico and S. Cagomoc were released and escaped, respectively from the New Bilibid Prison, and from the Iwahig Prison and Penal Farm per communication of the Chief Penal Superintendent of the New Bilibid Prison, dated January 2, 1966, and their whereabouts are unknown, the Court has no alternative but to elevate the records of this case to the Supreme Court, for its final disposition.

SO ORDERED.

Pasig, Metro Manila, January 6, 1986." (Rollo, p. 28).

Our examination of the case records disclose the absence of any transcript of stenographic notes regarding the proceedings conducted in the court below. What transpired thereto can only be gleaned from the recitals in the decision rendered in the case, which We hereunder quote:

"When the accused was arraigned today, pursuant to Section 1, Rule 115 of the New Rules of Court in relation to Rule 118 thereto, he being duly assisted by counsel de oficio, Atty. Jaime del Rosario, pleaded Guilty.

"The court apprised him of the consequence of his plea of guilty and he manifested that he is aware of the fact that he will be punished in accordance in law.

"The accused manifested in open court that he had no intention to commit so grave a wrong, so that after the incident, he became remorseful and voluntarily surrendered to the prison authorities. The Court, however, could not take into consideration these mitigating circumstances in view of the provisions of Article 160 of the Revised Penal Code to the effect 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 court, therefore, is duty bound to impose the maximum penalty prescribed by law for the new offense committed, and pursuant to Article 248 of the same code, the penalty for the crime of murder is RECLUSION TEMPORAL in its maximum period to death.

"The accused was informed in Tagalog, a dialect known to him that because of his plea of guilty, the imposable penalty is death. However, despite this warning, he still insisted on pleading guilty and is ready to accept the penalty to be imposed upon him no matter how grave it may be."

"xxx xxx xxx." (Decision, p. 2, Rollo, 4, Underlining supplied.)

While this Court is aware that efforts were lately made by the trial court, however belated, to conduct a hearing as directed in the subject decision, such endeavor was unproductive of any beneficial result due to the stated unavailability of the prosecution witnesses, who apparently could no longer be produced.

Considering, however, that the accused herein who was then duly assisted by his counsel de oficio, entered a plea of guilty and repeatedly maintained said plea despite the advice and warning given to him by the trial court and that the accused manifested his readiness to accept even the gravest penalty that may be imposed upon him, this Court finds it but proper to restate our pronouncements earlier made in the case of *People versus Epifanio Flores*, L-32692, July 30, 1971, 40 SCRA 230-231, which We hereunder quote:

"xxx xxx xxx

"The norm that should be followed where a plea of guilty is entered by the defendant, especially in cases where the capital penalty may be imposed, is that the court should be sure that defendant fully understood the nature of the charges preferred against him and the character of the punishment provided by law before it is imposed. While there is no law requiring it, yet 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. The latest decision on this point is in the case of *People vs. Remigio Estebia*, G.R. No. L-26868, July 29, 1971, where this Court, speaking through Mr. Justice Enrique M. Fernando, stated: '... inasmuch as judgments of conviction imposing the extreme penalty of death are subject to review by the Supreme Court as law and justice shall dictate, whether the defendant appeals or not, which automatic review neither the Court nor the accused could waive or evade, it would seem that the proper and prudent course to follow where the accused enters a plea of guilty to capital offenses especially where he is an ignorant person with little or no education, is to take

testimony not only to satisfy the trial judge but to aid the Supreme Court in determining whether accused really and truly understood and comprehended the meaning, full significance and consequences of his plea.'

"xxx xxx xxx

WHEREFORE, and to bring about more quickly the disposition of this case considering the circumstances above recited, the Court Resolved, that instead of requiring the usual submission of the respective briefs in this case by the People and the Accused, to simply direct that the records of this case be REMANDED to the court a quo for said court to conduct a hearing anew, with the accused to be assisted then by a counsel of his choice or a counsel de oficio to be appointed by the court below, and the court a quo should then take the testimony of the accused and/or those of others, as could then satisfy the trial judge in determining whether or not the accused herein really understood and had full comprehension of the meaning and significance and consequences of the plea he had originally and previously entered at his initial arraignment. Apart from what can only be gleaned from the recitals made in the decision in this case, there is no evidence on the record which can establish adequately such a conclusion with sufficient certainty.

Should however, the herein accused, upon the remand of this case to the court below, express a desire to enter a plea different from the one he had previously entered when first arraigned, the trial court should consider the said manifestation for a change of his plea, and if allowed, then the decision rendered in this case on August 19, 1972 is to be considered as set aside, and the court below should proceed to conduct the trial of the herein accused and render judgment in the case as warranted by the evidence submitted.

SO ORDERED.

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