

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ROLANDO DAYOT Y GARCIA @ JUNIOR DAYOT, ACCUSED-APPELLANT.

G.R. No. 88281. July 20, 1990

Ponente: SARMIENTO, J.

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SARMIENTO, J.:

The Court reverses the judgment subject of this appeal, rendered upon a plea of "guilty" entered by the accused-appellant, on the ground of serious errors of law committed by the trial judge, and remands the case for rearraignment and trial on the merits.

The accused had been charged with the special complex crime of robbery with homicide punished with reclusion perpetua to death under Article 294, paragraph (1), of the Revised Penal Code. The information reads as follows:

The undersigned Assistant Fiscal accuses Rolando Dayot y Garcia @ Junior Dayot of the crime of Robbery with Homicide and Frustrated Homicide, committed as follows:

That on or about the 20th day of November, 1986 in the Municipality of Marikina, Metro-Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with intent to gain and armed with a bladed instrument, did, then and there willfully, unlawfully and feloniously take, steal and carry away without the knowledge and consent of Martin Manuel Legaspi y Yaco the following items, to wit:

a) Cash Money -----

P10,000.00

b) One gold horse shoe

ring w/t diamond -----

18,000.00

c) One solid gold ring w/t diamond

15,000.00

d) One gold necklace -----

5,000.00

3) One (Cartier)

wristwatch -----

15,000.00

total -----

P63,000.00

all in the total amount of P68,000.00 [sic] belonging to said Martin Manuel Legaspi y Yaco, to the damage and prejudice of the said owner thereof in the aforementioned amount of P63,000.00; that in [sic] the occasion [sic] of Robbery said accused Rolando Dayot y Garcia with intent to kill, attack, assault, and stab Martin Manuel Legaspi y Yaco several times on the different parts of his body, thereby inflicting upon him fatal stab wounds which directly caused his death; while said accused when being accosted by Martin Manuel Legaspi y Yaco's mother, Leonila Legaspi y Yaco, attack, assault, and stab said Leonila Legaspi y Yaco several times on the different parts of her body, thereby commencing the commission of the crime of homicide, directly by overt acts but did not perform all the acts of execution as would produce the crime of homicide, by reason of caused [sic] other than her [sic] own spontaneous desistance, that is by the timely and able medical assistance rendered to said Leonila Legaspi y Yaco which prevented her death.

Contrary to law.[1]

On March 21, 1989, the accused-appellant was arraigned and pleaded "not guilty".[2] Trial was set to April 26, 1989. On that date, however, the accused's counsel, Atty. Fernando Fernandez, manifested that the accused was willing "to change his plea of not guilty to that of guilty to the offense charged." [3] Thereupon, Atty. Fernandez put him on the stand, in which he testified:

Q Are you the same Rolando Dayot accused in this case?

A Yes, sir.

Q Mr. Dayot, you are charged in this case with Robbery with Homicide and Frustrated Homicide allegedly committed on November 29, 1986, what can you say about that?

A It is true, sir.

Q You are not being threatened or promised or forced to say that it is true?

A Yes, sir.

Q And you voluntarily entering a plea of guilty to this particular offense?

A Yes, sir.

Q And you are changing your former plea of not guilty to that of guilty in this particular crime of Robbery with Homicide and frustrated homicide?

A Yes, sir.[4]

For his part, the trial judge, the Honorable Martin Villarama, Jr.,[5] propounded the following questions to him:

COURT

Are you aware of the consequences of your change of heart?

A Yes, sir.

Q What will happen?

A I will be detained, your Honor.

Q For how long, more or less?

A I do not know, your Honor.

Q More or less, less than ten years or more than ten years?

A Perhaps less than ten years, your Honor.

Q And it could also be more than ten years?

A Yes, your Honor.

COURT

Witness is discharged. The accused having a change of heart, that is, he is willing or he is changing his plea of not guilty to that of guilty to the offense charged with the assistance of his counsel de oficio Atty. Fernando Fernandez of the CLAO, let the promulgation of judgment in this case be set on May 2, 1989 at 8:30 A.M.[6]

On account thereof, His Honor rendered judgment, the dispositive portion of which reads as follows:

WHEREFORE, finding the accused ROLANDO DAYOT y GARCIA @ JUNIOR DAYOT guilty beyond reasonable doubt of the offense charged, he is hereby sentenced to suffer the penalty of reclusion perpetua with all its accessory penalties, to indemnify the mother of the victim, Leonila Legaspi y Yaco in the amount of P30,000.00, to pay the sum of P63,000.00 by way of reparation of the stolen cash money and properties, the further sum of P20,000.00 as moral damages, all without subsidiary imprisonment in case of insolvency and to pay the costs.

In the service of his sentence, the accused shall be credited in full with the period of his preventive imprisonment.

SO ORDERED.[7]

As we noted at the outset, the foregoing judgment faces a reversal.

We have held that where the accused enters a plea of guilty to the capital offense, the trial court is called upon to observe the following procedure:

SEC. 3. Plea of guilty to capital offense; reception of evidence. -- When the 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.[8]

As we held, the judge is required to accomplish three things: (1) to conduct a searching inquiry into the voluntariness and full comprehension of the consequences of the accused's plea; (2) to require the prosecution to prove the guilt of the accused and the precise degree of his culpability; and (3) to inquire whether or not the accused wishes to present evidence on his behalf and allow him to do so if he so desires. This procedure is mandatory,[9] and a judge who fails to observe it commits a grave abuse of discretion.

The exchange between the judge and the accused-appellant does not persuade us that the accused-appellant, in subsequently pleading guilty, fully understood the legal consequences of his plea. We find this from his own impressions, obviously mistaken, that by admitting authorship of the offense, he would stay in prison for "[p]erhaps less than ten years,"[10] although "it could also be more,"[11] or in other words, he would "get off lightly", relatively, than had he insisted on his innocence. As it would turn out, tragically, Judge Villarama sentenced him in fact to life imprisonment. We do not think that the accused-appellant anticipated, or knew, the exact punishment--and the serious results--that awaited him as a consequence of his change of heart.

We also do not think that Judge Villarama had been up to the task in appraising the accused-appellant of what lay

ahead should he, the accused-appellant, admit guilt. While he did intimate to the accused that he, the accused, might be put away for more than ten years, His Honor was less than candid in failing to inform him that he, by admitting guilt, in fact, faced a life in prison, and that "more than ten years" meant a whole lot more indeed.

A "searching inquiry," under the Rules, means more than informing cursorily the accused that he faces a jail term (because the accused is aware of that) but so also, the exact length of imprisonment under the law and the certainty that he will serve time at the national penitentiary or a penal colony. Not infrequently indeed, an accused pleads guilty in the hope, as we said, of a lenient treatment, or upon a bad advice or promises of the authorities or parties of a lighter penalty should he admit guilt or express "remorse". It is the duty of the judge to see that he does not labor under these mistaken impressions, because a plea of guilty carries with it not only the admission of authorship of the crime proper but also of the aggravating circumstances attending it, that increase punishment.[12]

A "searching inquiry" likewise compels the judge to content himself reasonably that the accused has not been coerced or placed under a state of duress--and that his guilty plea has not therefore been given improvidently--either by actual threats of physical harm from malevolent quarters or simply because of his, the judge's, intimidating robes. The trial judge should have so satisfied himself in the case at bar, considering especially the tender years of the accused (who was about twenty at the time of the trial) and his vulnerability to ill-advised suggestions from outside influences.

Above all, the trial judge must satisfy himself that the accused, in pleading guilty, is truly, guilty. This is possible say, by requiring him to narrate the tragedy or say, by making him reenact it, or by causing him to furnish missing details.

While there can be no hard and fast rule as to how a judge may conduct a "searching inquiry," as to the number and character of questions he may put to the accused, or as to the earnestness with which he may conduct it, since each case must be measured according to its individual merit, taking into consideration the age, educational attainment, and social status of the accused confessing guilt, among other things, the singular barometer is that the judge must in all cases, fully convince himself that: (1) the accused, in pleading guilty, is doing so voluntarily, and (2) he, in so doing, is truly guilty, and that there exists a rational basis for a finding of guilt, based on his testimony. This Court leaves to judges, considering their training, ample discretion, but expects them at the same time, that they will be true to their calling and be worthy ministers of the law.

Judges therefore must be cautioned, toward this end, against the demands of sheer speed in disposing of cases, for their mission after all, and as has been time and again put, is to see that justice is done.

The five questions posed by Judge Villarama to the accused-appellant, needless to say, hardly amount to a "searching inquiry". He should have known better, because he actually condemned a twenty-year old to spend a great deal of his mortal life in prison.

As we have said, the procedure laid down by the Rules is mandatory. The judge having satisfied himself that the accused fully understood the significance, effects, and consequences of his guilty plea, the next step would be to make the prosecution adduce evidence to determine the guilt and exact culpability of the accused taking into account the presence of other possible aggravating or mitigating circumstances--and thereafter, to make the accused present his own evidence, if he is so minded, for the same purpose.[13]

The counsel for the defense, in his brief, berates the judge for failing to appreciate minority in favor of the accused-appellant, and so does the Solicitor General. The Court is disappointed. There is more to the case than faulty application of penalties. As we earlier stated, a mistrial, as it were, had been committed, and if the counsel

for both the defense and government had truly done their homework, regardless of their apparent haste "to get the job done," the more far-reaching implications of the case should have dawned on them. As for the counsel de oficio for the accused, Atty. Fernando Fernandez, the Court leaves these harsh words for him: Rather than protect the rights of the accused-appellant, he succeeded in collaborating in the "setting up" of his own client. Let him, accordingly, be reminded that as counsel de oficio, his solemn duty is nonetheless to make sure that his client gets what he lawfully deserves--whether an acquittal or if a conviction, the rightful penalty. As the Court sees it, his concern merely was to "get it over with," at the expense, unfortunately, of the very freedom of the accused-appellant. Like Judge Villarama, it was his obligation to apprise fully the appellant as to what faced him, should he accept guilt, and that there was no turning back should he admit guilt. Like His Honor, he deserves our serious rebuke.

We note with mounting concern, at this juncture, the increasing lack of dedication lawyers of the Public Attorney's Office [PAO, formerly, Citizens Legal Aid Office (CLAO)] have handled their cases, especially of destitute clients, judged from their performance in cases not only before the Supreme Court but likewise before inferior courts. We find this distressing, having in mind the nation's efforts to bring justice closer to the needy, and the oath, which all lawyers have sworn to uphold, to conduct themselves with all good fidelity to their clients. The fact that counsel de oficio, like PAO lawyers, are not remunerated (although they are entitled to reimbursement for transportation expenses) is no excuse that will justify abdication of duty and infidelity to client's cause. As members of the bar, all lawyers, paid or hired for pro bono purposes, are called upon to pursue their cases with identical passion and with utmost concern for the fullest protection of their client's rights and interests. The PAO, as the people's counsel precisely, is no less subject to this abiding obligation. Let the PAO be admonished that this Court will not tolerate, henceforth, indifference and sloth in its ranks.

A trial is meant to be a safeguard against putting an innocent man to prison, and at the same time a guaranty that the guilty obtains his just dues, thus:

... the presentation of evidence should be required in order to preclude any room for reasonable doubt in the mind of the trial court, or the Supreme Court on review, as to the possibility that there might have been some misunderstanding on the part of the accused as to the nature of the charge to which he pleaded guilty, and to ascertain the circumstances attendant to the commission of the crime which justify or require the exercise of a greater or lesser degree of severity in the imposition of the prescribed penalties.[14]

As it turned out, the accused-appellant had a mitigating circumstance overlooked by the judge below--minority[15]--a privileged mitigating circumstance that would have lowered the penalty by one degree.[16]

Yet another reason why we cannot sustain the decision appealed from, and why the presentation of evidence was compelling, is the fact that it, the decision, fails to express the facts of the case. Under the Constitution:

Sec. 14. No decision shall be rendered by any court without expressing therein clearly and distinctly the facts and the law on which it is based.[17]

We therefore remand this case to the court a quo for arraignment and reception of evidence. We find that the judgment under appeal has been tainted with a grave abuse of discretion, or otherwise, has been vitiated by substantial legal errors committed by the court below.

WHEREFORE, the judgment appealed from is SET ASIDE. The case is REMANDED for arraignment and thereafter, should the accused-appellant enter a plea of "guilty", for reception of evidence for the prosecution, and should the accused-appellant so desire, for reception likewise of evidence on his part.

No costs.

SO ORDERED.

Melencio-Herrera, (Chairman), Paras, Padilla, and Regalado, JJ., concur.

[1] Original Records, 1.

[2] Id., 31.

[3] T.s.n., Session of April 26, 1989, 1.

[4] Id., 2.

[5] Of the Regional Trial Court, Pasig, Metro Manila, Branch 156.

[6] T.s.n., id., 2.

[7] Original Records, id., 65.

[8] RULES OF COURT, Rule 116, sec. 3; People v. Camay, No. 51306 (en banc), July 29, 1987, 152 SCRA 401, 403-404; People v. de Luna, G.R. No. 77969, June 22, 1989;

[9] People v. Camay, supra; People v. de Luna, supra;

[10] T.s.n., id.

[11] Id.

[12] People v. de Luna, supra.

[13] Supra, 10.

[14] Supra, 11.

[15] The accused was seventeen years old at the time the crime was committed. See Brief for Plaintiff-Appellee, Rollo, 29-38.

[16] REV. PEN. CODE, art. 68.

[17] CONST., art. VIII, sec. 14; see People v. Escobar, Nos. 69564, 69658, January 29, 1988, 157 SCRA 541.

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