

5 Phil. 635

[ G.R. No. 2647. February 17, 1906 ]

**THE UNITED STATES, COMPLAINANT AND APPELLEE, VS. FELIX PAQUIT,  
DEFENDANT AND APPELLANT.**

**D E C I S I O N**

**MAPA, J.:**

The defendant in this case is charged with the crime of illegal detention. Upon being arraigned he pleaded guilty. This took place on the 11th of April, 1905. On the 14th of the same month he filed an affidavit stating that “not having thoroughly understood the complaint, he pleaded guilty by mistake but that he merely meant to say that it was true that he was present when the offended party was detained and that he accompanied those who detained him, and that at that time he was also a prisoner restrained of his liberty and did not take any voluntary part in the deed, wherefore he believes and alleges that he is not guilty and should be acquitted of the charge.

This amounted practically to a request that his plea of guilty be changed to that of not guilty—this before final judgment was entered. The judgment wherein the defendant is sentenced to six years and one day of imprisonment (*prision mayor*) is based exclusively upon his plea, no evidence having been taken, and is dated the 14th of April, although it is evident that it was rendered after the affidavit had been filed, since the court refers to it in his decision. There is no other decision attached to the record, although it seems that another decision was rendered by the court prior to the one from which the appeal was taken as would appear from certain statements contained in the later decision. It would indeed be an anomaly if two decisions had been actually rendered in this case by the court below. But be that as it may, we can not take into consideration any decision other than the one of record which was evidently rendered after the filing of the affidavit as aforesaid.

No decision having been rendered at the time the defendant signified his intention of changing his plea of guilty for that of not guilty, giving as a reason therefor that he had

misunderstood the complaint and the effects and significance thereof when he pleaded for the first time, it was the duty of the court to grant his petition so as to give the defendant an opportunity to prove and establish his alleged innocence. There is no good or weighty reason appearing of record why this petition of the defendant should not have been granted, and it is evident that no one would have been prejudiced by the granting of the same. The court below in denying defendant's request without any legal and sufficient reason therefor did not make proper use of the discretionary power conferred upon him by section 25 of General Orders, No. 58, under which he could have allowed the defendant to substitute a plea of not guilty for that of guilty at any time before judgment. So far as possible in the interest of justice judicial discretion must tend to facilitate rather than hamper or obstruct the defense of the accused, and in our opinion an abuse of such discretion is committed when, without any just reason therefor, the defendant is deprived of the opportunity of defending himself, and this is what really happened in this case.

For the reasons hereinbefore stated, the judgment of the trial court is set aside, and it is ordered that the case be remanded to the court below for a new trial, at which the defendant shall be permitted to change his plea of guilty for that of not guilty, and such evidence as either party may desire to present shall be taken, and if possible the complaint shall be amended so as to specify the time the offended party was illegally detained, since this is a crime in which the duration of the illegal detention determines the penalty which should be imposed upon the defendant if found guilty. The costs of both instances are declared *de officio*. So ordered.

*Arellano, C. J., Torres, Johnson, Carson, and Willard, JJ., concur.*

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