

SECOND DIVISION

[G.R. No. 179187, July 14, 2009]

**PEOPLE OF THE PHILIPPINES, APPELLEE, VS. RENATO TALUSAN
Y PANGANIBAN, APPELLANT.**

DECISION

CARPIO MORALES, J.:

By Decision of May 25, 2007, the Court of Appeals^[1] affirmed the conviction by the Regional Trial Court (RTC), Branch 199 of Las Piñas City of Renato Talusan y Panganiban (appellant) of kidnapping with rape of AAA,^[2] a minor of six years.

The Information filed against appellant, together with one "Eljoy Salonga," reads:

That during the period from January 15, 2004 up to January 23, 2004, in the City of Las Pinas, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating together with one ELJOY SALONGA, whose true identity and present whereabouts is still unknown, without legal authority or justifiable motive, did then and there willfully, unlawfully and feloniously kidnap, carry away, detain and deprive AAA, a SIX (6) year old, minor, of her liberty, against her will and consent, and the said detention lasted for eight (8) days, and while accused RENATO TALUSAN y PANGANIBAN @ Nato, @ Roxell B. Verga, Jr., was in custody of AAA and armed with a gun, by means of force, threat, or intimidation, did then and there, willfully, unlawfully, and feloniously insert his finger into the vagina of AAA for several instances against her will and consent thereby subjecting her to sexual abuse, which is prejudicial to her physical and psychological development.

CONTRARY TO LAW.^[3]

Salonga's "true identity and . . . whereabouts" were, as stated in the Information, unknown.

From the evidence for the prosecution, the following version is gathered:

In the early morning of January 14, 2004, as AAA was on her way to school, appellant, who was sitting by a tree in Las Piñas, pulled her aside and cajoled her into joining him by telling her that they would go to *Jollibee*. AAA obliged as she knew appellant to be a fellow attendee of Sunday Bible classes. Appellant brought AAA, however, to a house in Imus, Cavite occupied by one El Joy Salonga and two unidentified individuals to whom he introduced her as his daughter.

AAA was thereafter under appellant's control and custody for eight days during which he abused her by inserting his finger inside her vagina on a daily basis before breakfast, despite her resistance.

AAA having failed to return home by noon of January 14, 2004, her stepfather BBB went to her school to inquire. As nobody knew her whereabouts, BBB decided to report the matter to the Las Piñas City Police Station. A neighbor then informed him that he saw appellant sitting by a tree at the same time that AAA was on her way to school.

BBB thereupon went around the community to elicit information about appellant. A former co-worker of appellant gave BBB an address in Imus, Cavite, prompting BBB to report on January 22, 2004 to the Imus Police Station the disappearance of AAA.

At dawn of the following day, January 23, 2004, appellant, who was with AAA, was apprehended.

For inquest purposes, Dr. Pierre Paul Carpio, medico-legal officer of the Philippine National Police (PNP) Crime Laboratory, conducted an initial medico-legal examination which revealed the following

Findings:

- Hymen: **Deep fresh** 3' & 9'o'clock position
- Vestibule congested

Conclusion:

- **Subject compatible with recent loss of virginity**
- There are no ext. signs of application of any form of trauma^[4]
(Emphasis supplied)

Hence, the filing of the Information for kidnapping with rape.

Upon arraignment, appellant, with the assistance of his counsel *de officio*, entered a plea of guilty. The lower court thereupon conducted a searching inquiry into the voluntariness of appellant's plea, and despite repeated questions and just as repeated answers showing that appellant understood his plea and its consequences, the trial court still ordered the prosecution to, as it did, present evidence.

Finding for the prosecution, the trial court, noting that AAA's "detailed account of her ordeal is a manifestation of her honesty and forthrightness,"^[5] convicted appellant, disposing in its Decision of June 7, 2004 as follows:

WHEREFORE, in view of all the foregoing discussions and finding the guilt of the accused beyond reasonable doubt by his voluntary and spontaneous plea of guilty, while the undersigned Presiding Judge does not believe in the imposition of death penalty as a form of punishment,

nevertheless, in obedience to the law which is his duty to uphold, this Court finds the accused, **RENATO TALUSAN y PANGANIBAN, GUILTY**, beyond reasonable doubt for the special complex crime of **KIDNAPPING with RAPE** and hereby sentences him to suffer the supreme penalty of DEATH.

The Court did not consider the mitigating circumstance of voluntary plea of guilty because the penalty imposable is single and indivisible and this is regardless of its presence. x x x

Accused is hereby ordered to pay the victim AAA, the amount of P50,000.00 by way of civil indemnity and an additional amount of P50,000.00 by way of moral damages which by case law is automatically awarded to rape victims without need of proof. x x x

SO ORDERED.^[6] (Emphasis in the original; underscoring supplied)

The case was forwarded to this Court on automatic review due to the death penalty imposed. Per *People v. Mateo*,^[7] however, the Court referred the case to the Court of Appeals by Resolution of November 22, 2005 for intermediate disposition.

By Decision of May 25, 2007, the Court of Appeals, upholding with modification appellant's conviction, disposed as follows:

WHEREFORE, the decision dated 07 June 2004 of the Regional Trial Court, Branch 199, Las Pinas City is hereby **AFFIRMED** with **MODIFICATION**. Appellant Renato Talusan y Panganiban @ Natol @ Roxell B. Vergara, Jr. is sentenced to reclusion perpetua, conformably with *R.A. No. 9346*, without eligibility for parole and is ordered to indemnify the AAA the following: (a) P50,000.00 as civil indemnity; and (b) P50,000.00 as moral damages.

Costs *de oficio*. (Underscoring supplied)

SO ORDERED.^[8]

By Resolution of December 3, 2007, the Court required the parties to simultaneously file their respective Supplemental Briefs if they so desired within thirty (30) days from notice.^[9] In compliance, the parties submitted their respective Manifestations that the Appeal Briefs they had earlier filed would suffice.

In his lone assignment of error, appellant faults the trial court for convicting him on the basis of an improvident plea of guilt as it failed, so he claims, to judiciously follow the guidelines set forth in *People v. Pastor*.^[10]

The appeal is bereft of merit.

In *Pastor*, the Court, holding that "there is no definite and concrete rule as to how a

trial judge must conduct a "searching inquiry," nevertheless came up with the following guidelines:

1. Ascertain from the accused himself (a) how he was brought into the custody of the law; (b) whether he had the assistance of a competent counsel during the custodial and preliminary investigations; and (c) under what conditions he was detained and interrogated during the investigations. This is intended to rule out the possibility that the accused has been coerced or placed under a state of duress either by actual threats of physical harm coming from malevolent quarters or simply because of the judge's intimidating robes.
2. Ask the defense counsel a series of questions as to whether he had conferred with, and completely explained to, the accused the meaning and consequences of a plea of guilty.
3. Elicit information about the personality profile of the accused, such as his age, socio-economic status, and educational background, which may serve as a trustworthy index of his capacity to give a free and informed plea of guilty.
4. Inform the accused the exact length of imprisonment or nature of the penalty under the law and the certainty that he will serve such sentence. For not infrequently, an accused pleads guilty in the hope of a lenient treatment or upon bad advice or because of 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 ensure that the accused 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.
5. Inquire if the accused knows the crime with which he is charged and fully explain to him the elements of the crime which is the basis of his indictment. Failure of the court to do so would constitute a violation of his fundamental right to be informed of the precise nature of the accusation against him and a denial of his right to due process.
6. All questions posed to the accused should be in a language known and understood by the latter.
7. The trial judge must satisfy himself that the accused, in pleading guilty, is truly guilty. The accused must be required to narrate the tragedy or reenact the crime or furnish its missing details.^[11]

There is thus no hard and fast rule as to how a judge may conduct a "searching inquiry." As long as the voluntary intent of the accused and his full comprehension of the consequences of his plea are ascertained, as was done in the present case,

the accused's plea of guilt is sustained. Consider the following transcript of stenographic notes of the proceedings taken during appellant's arraignment:

ATTY. CABARDO

Accused is ready for arraignment, Your Honor.

COURT

Arraign the accused in Tagalog.

(Accused is arraigned and he pleads Guilty to the Criminal Information)

COURT

What is his plea? He's pleading guilty?

COURT INTERPRETER

Yes, Your Honor.

COURT

This Court will conduct a searching inquiry into the voluntariness of his plea.

Q Mr. Renato Talusan, what is your educational attainment?

ACCUSED

A I reached 2nd year High School, Your Honor.

Q Do you know how to read and write?

A Yes, Your Honor.

Q What is your occupation?

A I'm a driver, Your Honor.

Q When you were arraigned today, you pleaded Guilty as charged in the Criminal Information. Did you plead Guilty voluntarily, freely without anyone forcing or intimidating you?

A Yes, Your Honor.

Q Did Atty. Cabardo, your counsel explained [sic] to you the effects and consequences if you will plead Guilty to the Criminal Information as charged?

A Yes, Your Honor.

Q Is it the understanding of the Court that Atty. Cabardo explained to you fully your rights under the Constitution before you plead Guilty to the Criminal Information?

A Yes, Your Honor.