

SECOND DIVISION

[G.R. No. 175324, October 10, 2007]

**THE PEOPLE OF THE PHILIPPINES, APPELLEE, VS. EDISON MIRA,
APPELLANT.**

DECISION

TINGA, J.:

This case serves to remind trial judges of their obligation to conduct a searching inquiry when confronted with a plea of guilt to a capital offense. At the same time, it also reiterates that the improvidence of the guilty plea will not prevent the conviction of the accused if the evidence duly presented does establish guilt beyond reasonable doubt.

Before us for automatic review is the Decision^[1] of the Court of Appeals in CA-G.R. CR-H.C. No. 00452 dated 19 July 2006 which affirmed with modification the Judgment^[2] of the Regional Trial Court in Criminal Case No. 687 finding appellant Edison Mira guilty beyond reasonable doubt of the crime of rape.

Appellant was charged with rape in an information, the accusatory portion of which reads:

That on or about January 6, 1997, in the evening thereof, at Barangay Interior, Municipality of San Jacinto, Province of Masbate, Philippines, within the jurisdiction of this Honorable Court, the above-named accused by means of force and intimidation, did then and there willfully, unlawfully and feloniously have sexual intercourse with his 11-year old daughter [AAA],^[3] against her will and without her consent.

CONTRARY TO LAW.^[4]

On arraignment, appellant entered a guilty plea to the offense charged. Thereafter, the trial court proceeded with the reception of evidence for the prosecution which presented five witnesses, namely: AAA, the victim; Nema Cabug (Cabug), the victim's teacher; BBB,^[5] the victim's sister; Dr. Rosario P. Mores (Dr. Mores), Medical Officer, and Lodeña Barruga (Barruga), Municipal Social Welfare and Development Officer. Their testimonies established the following facts:

On the night of 6 January 1997 in San Jacinto, Masbate, AAA, who was then 11 years old and BBB, then 8 years old, were sleeping inside their room when appellant, their father, arrived. He laid down beside AAA, removed her shorts, placed himself on top of her, and succeeded in having sexual intercourse with her.^[6] BBB witnessed the whole incident.^[7] AAA further revealed that she had been raped several times in the past by her father in the presence of her siblings.^[8] AAA

recalled that on 26 December 1996, she met her teacher Cabug and told her about her father's molestations.^[9] Three days after learning about AAA's plight, Cabug told her aunt, Felicisima Bartolata (Bartolata). The latter sought the help of Barruga.^[10] On 7 January 1997, Barruga and Bartolata went to Barangay Interior to conduct home visit and interview AAA. Cabug sent her pupils to fetch AAA and BBB in their house. During the interview, AAA narrated the rape incident.^[11]

On 9 January 1997, AAA was brought to the hospital where she was examined by Dr. Mores. The medical findings showed that AAA's hymen was no longer intact and there were abrasions around the vulva.^[12] Dr. Mores concluded that AAA was no longer a virgin; that the sexual intercourse had been forced as evidenced by the abrasions on AAA's vulva; and, that the abrasion on AAA's vagina was caused by a human male organ.^[13]

Unsurprisingly, the defense did not present evidence to counter the charges against appellant, considering his earlier plea of guilt.

On 23 May 1997, the trial court rendered a decision finding appellant guilty of rape and sentencing him to suffer the penalty of death. The trial court relied heavily on the testimonies of the victim and her younger sister in establishing the identity of appellant and the act of rape committed against AAA. It regarded the children's testimony as credible and invoked the adage that no child in her right mind would testify on a carnal and bastardous act if it were not true:

[AAA] and her sister could not testify and narrate the said heinous crime against their father if this is not true x x x and this Court is indeed convince [*sic*] that the child would not put up this [*sic*] testimonies if it were not true. What makes these bastardous act more appalling is the fact that this rape is being committed in front and at the very eyes of her [*sic*] other children. Indeed, the bestial act committed by the father against his own flesh and blood deserves the highest penalty which this Court could impose. Now could the father [*sic*] commit this grievous crime against his own daughter when it should be the former who should protect and care for the latter is a question as perplexing and enigmatic as today's time. Everyday, it is judicial knowledge how common this type of canards are being committed by the parents against their [helpless] children. The very least that this Court could do is to minimize[,] if not to eliminate this heinous crime is by way of showing an example by meting out the [s]upreme penalty to the perpetrator of this crime so as to deter others from committing this kind of mayhem, specially so when this Court is convinced beyond any doubt as to the complicity of the accused. Indeed, what a horrendous [world this would] be if the child could no longer trust their parents because of their bestial deeds. When the two daughters, [AAA] and [BBB] were asked whether or not they still love their father, the duo immediately without an iota of hesitation, responded in the negative. When asked why, they answered that they don't love their father [any] longer because of the rape; the sexual molestation committed by Edison. Truly, no daughter in her right mind could continue to love their father if the latter continuously commits this kind of malfeasance.^[14]

Appellant directly appealed his conviction to this Court. In a Resolution^[15] dated 14 December 2004, the Court resolved to transfer the case to the Court of Appeals pursuant to *People v. Mateo*.^[16]

The Court of Appeals rendered the assailed judgment affirming with modification the trial court's decision, to wit:

WHEREFORE, the decision of the trial court finding Defendant-Appellant EDISON MIRA guilty beyond reasonable doubt of the crime of rape is **AFFIRMED** with the **MODIFICATION** that the death sentence imposed by the trial court is hereby **REDUCED** to *Reclusion Perpetua*. Additionally, Defendant-Appellant shall pay the victim P50,000.00 as civil indemnity, P50,000.00 as moral damages, and P20,000.00 as exemplary damages.

Costs against the Defendant-Appellant.

SO ORDERED.^[17]

Appellant filed the instant appeal. In a Resolution^[18] dated 5 February 2007, the parties were required to simultaneously submit their respective supplemental briefs if they so desired. Both parties manifested that they were adopting their respective briefs filed before the appellate court.^[19] Thereafter, the case was deemed submitted for decision.

Appellant contends that the trial court erred in not conducting a searching inquiry into the voluntariness and full comprehension of the consequences of his plea and in failing to inform him if he desires to present evidence in his behalf.^[20]

The controversy centers on the legal consequences of an improvident plea of guilt.

Section 3, Rule 116 of the Rules of Court provides:

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 shall require the prosecution to prove his guilt and the precise degree to culpability. The accused may present evidence in his behalf.

Based on this rule, there are three (3) conditions that the trial court must observe to obviate an improvident plea of guilt by the accused: (1) it must conduct a searching inquiry into the voluntariness and full comprehension by the accused of the consequences of his plea; (2) it must require the prosecution to present evidence to prove the guilt of the accused and the precise degree of his culpability; and (3) it must ask the accused whether he desires to present evidence on his behalf, and allow him to do so if he so desires. ^[21]

In *People v. Gumimba*, we had occasion to revisit the *raison d'être* for the rule:

There is no hard and fast rule as to how a judge may conduct a "searching inquiry," or as to the number and character of questions he

may ask the accused, or as to the earnestness with which he may conduct it, since each case must be measured according to its individual merit. However, the logic behind the rule is that courts must proceed with caution where the imposable penalty is death for the reason that the execution of such a sentence is irrevocable and experience has shown that innocent persons have at times pleaded guilty. An improvident plea of guilty on the part of the accused when capital crimes are involved should be avoided since he might be admitting his guilt before the court and thus forfeit his life and liberty without having fully comprehended the meaning and import and consequences of his plea. Moreover, the requirement of taking further evidence would aid this Court on appellate review in determining the propriety or impropriety of the plea.^[22]

This Court, time and again, has reiterated the guidelines to be observed by the trial court in the proper conduct of a searching inquiry:

(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 of 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 to 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.^[23]

The searching inquiry conducted by the trial court falls short of these requirements. The inquiry consisted of two simple questions. We quote in full:

CLERK OF COURT:

(The accused was arraigned in an information read and translated in a language understandable to him [*sic*]. When asked of his plea, [he] voluntarily entered a plea of guilty.)

COURT:

[T]o accused

Q - Do you understand the meaning of plea of guilty for the crime charged against you for rape?

A - I admit the crime, Your Honor.

Q - Do you know that when you pleaded [*sic*] guilty you can be meted out of the supreme penalty; death or life imprisonment?

A - Yes, Your Honor.^[24]

The questions propounded by the trial court judge to appellant were clearly inadequate. The appellant was not fully apprised of the consequences of his guilt plea. In fact, as argued by appellant, he was led to believe that the penalty for his crime could still be reduced upon his plea of guilty, especially when the trial court informed him that he could be meted the supreme penalty of death or life imprisonment.^[25] Moreover, the trial court judge failed to inform appellant of his right to adduce evidence despite the guilty plea. Verily, appellant was deprived of the rights guaranteed by the Constitution.

Notwithstanding the incautiousness that attended appellant's guilty plea, we are not inclined to remand the case to the trial court as suggested by appellant. Convictions based on an improvident plea of guilt are set aside only if such plea is the sole basis of the judgment. If the trial court relied on sufficient and credible evidence in finding the accused guilty, the judgment must be sustained, because then it is predicated not merely on the guilty plea of the accused but also on evidence proving his commission of the offense charged.^[26]

The RTC and the Court of Appeals are unanimous in sustaining the credibility of the prosecution witnesses. The trial court made the following observations:

All the [p]rosecution witnesses are one in pin-pointing Edison Mira as the one who raped [AAA]. The testimonies of his two (2) children, [BBB], an 8-year old, younger sister of [AAA] and [AAA] herself categorically declared without hesitation regarding the [c]ertainty of the rape