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[G.R. No. 133380, February 18, 2004]

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. FLAVIANO R. SEGNAR, JR., APPELLANT.

D E C I S I O N

SANDOVAL-GUTIERREZ, J.:

An arraignment is not a mere formality but a substantial component of our criminal justice system wherein the constitutional right of the accused "to be informed of the nature and cause of the accusation against him"[1] is protected. Thus, when he pleads guilty to a capital offense, the trial courts' duty is to ascertain with utmost diligence and circumspection whether he did so voluntarily and with full understanding of the consequences of his plea. There should be no occasion to slacken such duty so as to avert an improvident plea of guilty, especially in grave felonies which carry the supreme penalty of death. A plea of guilty knowingly and voluntarily made constitutes evidence of guilt.

In this automatic review of the Decision[2] of the Regional Trial Court, Branch 15, Ozamiz City in Criminal Case No. RTC-2185, Flaviano Segnar, Jr., appellant, assails his conviction of murder punishable by death, claiming that his plea of guilty to such capital offense was improvidently made.

The Information[3] charging appellant with murder reads:

> "That on or about November 12, 1997 at more or less 5:00 o'clock in the afternoon, in the City of Ozamiz, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused with intent to kill, treachery, evident premeditation, taking advantage of superior strength and with cruelty, did then and there willfully, feloniously and unlawfully cut and/or slice the throat of 17 year-old Amie F. Flores by the use of a knife, which caused (her) instantaneous death. Medical certificate showed the following wounds:
>
> — 18 cm lacerated wound and 2 cm lacerated wound from (L) side of the neck extending to (R) face (cheek) transecting vocal cord and (R) jugular and caroted blood vessel.
>
> — 1.2 cm lacerated wound with sharp edges at proximal arm antero-lateral aspect.
>
> — 3 cm lacerated wound at sharp edges at proximal 3rd of (R) arm antero-medial aspect.
>
> — 2 cm lacerated wound with sharp edges at (R) mid arm anterior

aspect.

"CONTRARY to Article 248 of the Revised Penal Code."

During his arraignment on February 25, 1998, appellant was assisted by his *counsel de officio*, Atty. Alberto Cagaanan of the Public Attorney's Office, Ozamiz City. After the Information was read to appellant, in his own *Visayan* dialect, he pleaded guilty.

Thereafter, pursuant to the order of the trial judge, the prosecution presented its evidence consisting of the lone testimony of Leonila Flores,[4] the mother of victim Amie Flores. Leonila testified that she has known appellant, being her neighbor in Purok 6, Suricon Area, Ozamiz City. He used to come to her house to visit Amie, his sweetheart. In the afternoon of November 12, 1997, Amie, then 17 years of age, was killed inside appellant's house. Her throat was slashed. Thereafter, appellant fled. When she confronted him in jail about the incident, he admitted that he killed Amie because she would go to Manila and he did not want to be away from her.[5] Leonila identified appellant's bloodstained T-shirt[6] and short pants[7] recovered at the scene of the crime, as well as the Medical Certificate[8] issued on November 19, 1997 by Dr. Daniel T. Medina of the S.M. Lao Memorial Children and Maternity Hospital, Department of Health, Ozamiz City, stating his findings as follows:

"DIAGNOSIS/FINDINGS:

— 18 cm lacerated wound and 2 cm lacerated wound from (L) side of the neck extending to (R) face (cheek) transecting vocal cord and (R) jugular and caroted blood vessel.

— 1.2 cm lacerated wound with sharp edges at proximal arm antero-lateral aspect.

— 3 cm lacerated wound at sharp edges at proximal 3rd of (R) arm antero-medial aspect.

— 2 cm lacerated wound with sharp edges at (R) mid arm anterior aspect.

x x x

"REMARKS:

"Patient died due to Hypovolonic Shock."

The prosecution offered in evidence the pictures[9] showing the lifeless body of the victim lying face downward on the bamboo floor of appellant's house. Another picture[10] shows her with stitches running from her right ear down to her neck and up to the left side of her face.

Atty. Cagaanan, appellant's counsel, did not cross-examine Leonila.

The trial judge then called appellant to the witness stand to determine whether his plea of guilty was voluntary and whether he understands its consequences. In answer to the questions propounded by the trial judge, appellant, assisted by Atty.

Cagaanan, declared that he is 20 years of age, single, and a resident of Suricon Area, Ozamiz City. He is the eldest among six children of Rosalina Raut-Raut Segnar and Flaviano Segnar, Sr. On May 7, 1997, Amie Flores became his sweetheart. He used to fetch her from the Immaculate Concepcion College and escort her up to the road only because her parents were against him. Thus, he seldom visited her at home. It was Amie who used to go to his house. He confessed that he killed Amie in his house by slashing her throat with a gaff because she had an abortion of her 3-month old fetus whom he sired. He explained that he threatened to harm her with the gaff so that she would not go to Manila. When Amie died that day, he was so scared that he threw away the gaff, changed his T-shirt and short pants stained with Amie's blood, and then fled to Sinuza to evade arrest. He admitted that he owns the bloodstained T-shirt and short pants recovered at the scene of the crime.[11]

Appellant further testified that he was not coerced or intimidated by anyone to plead guilty for "I was the one who killed her (Amie)."[12] He is aware that he has to answer for his act. He knows the consequence of his plea — he will be imprisoned. When asked if he would still maintain his plea of guilty even if the penalty to be imposed upon him is death, he answered that he is willing to die ("I will insist on myself pleading to die.").[13]

After the trial judge declared in open court that he was convinced that appellant's plea was made voluntarily and with his full understanding of its consequences, the prosecution formally offered its evidence and rested its case. For his part, appellant manifested, through counsel, that he is not presenting evidence and is submitting the case for decision.

In its Decision dated February 25, 1998,[14] the trial court found appellant guilty beyond reasonable doubt of the crime of murder, aggravated by evident premeditation, and imposed upon him the supreme penalty of death. He was also ordered to pay the heirs of Amie Flores P50,000.00 as indemnity, P50,000.00 as moral damages and costs.

In his brief,[15] appellant contends that his plea of guilty was made improvidently since during the arraignment, he did not understand its consequences. He also maintains that the evidence against him is insufficient to prove that he committed the crime charged. He thus prays that he be acquitted or, in the alternative, that the Decision of the trial court be modified in the sense that he should only be convicted of homicide considering that the prosecution failed to establish the qualifying circumstances alleged in the Information.[16]

The Solicitor General submits that appellant's plea was not improvidently made because the trial court received the prosecution's evidence and that the appellant voluntarily admitted his guilt; and sustains appellant's manifestation that he should only be convicted of homicide.

We find appellant's claim of improvident plea bereft of merit.

Section 1, Rule 116 of the Revised Rules of Criminal Procedure, as amended, provides:

"SEC. 1.*Arraignment and plea; how made*. —

"(a) The accused must be arraigned before the court where the complaint or information was filed or assigned for trial. The arraignment shall be made in open court by the judge or clerk by furnishing the accused with a copy of the complaint or information, **reading the same in the language or dialect known to him**, and asking him whether he pleads guilty or not guilty. The prosecution may call at the trial witnesses other than those named in the complaint or information.

x x x." (Underscoring ours)

When the accused pleads guilty to a capital offense, Section 3 of the same Rule specifies the procedure to be followed by the trial judge, thus:

"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 f**ull comprehension of the consequences of his plea and shall require the pr**osecution to prove his guilt and the precise degree of culpability. The accused may present evidence in his behalf." (Underscoring ours)

There is 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 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.[17] 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 — meaning, he was not coerced or threatened of physical harm, or placed under a state of duress; and (2) that he is truly guilty on the basis of his testimony. Thus, in determining whether an accused's plea of guilty to a capital offense is improvident, we held that considering their training, we leave to the judges ample discretion, but expect them at the same time that they will be true to their calling and be worthy ministers of the law and justice.[18]

The trial judge faithfully complied with the above guidelines. Records show that during the arraignment, the Information was read to appellant in the *Visayan* dialect which he speaks and understands. After he entered a plea of guilty, the trial judge conducted a searching inquiry. Appellant's answers to the trial judge's questions were spontaneous. There is no indication in the records that his counsel coaxed or influenced him. He manifested full understanding of the consequences of his plea. He repeatedly and categorically told the trial judge that because he killed Amie, he is answerable for his actuation. After having been informed of the seriousness of the charge and that it is punishable with *reclusion perpetua* to death, appellant readily and emphatically assured the trial judge that still, he would not change his plea. In fact, he declared he is willing to be imprisoned or even die as punishment for the crime he committed. Clearly, appellant's plea of guilty was voluntary, positive and unconditional, and that he fully understood that the imposable penalty could be imprisonment or even death.

Moreover, the trial court, after appellant's plea, still required the prosecution to present evidence for the purpose of establishing his guilt and the precise degree of his culpability, in compliance with Section 3 of Rule 116, quoted earlier.