

EN BANC

[G.R. No. 133984, January 30, 2002]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
MEDRILLO RODRIGUEZ, ACCUSED-APPELLANT.**

DECISION

VITUG, J.:

Lust is one of man's many greedy imperfections. The urge to gratify sexual passion is known to entice a man to throw caution to the wind and forsake reason in yielding to the worldly demand of the flesh.

In a small shanty lived accused Medrillo Rodriguez and his three motherless children. AAA, the eldest, took to looking after her 11-year old brother and 8-year old sister. It was the usual domestic routine for a family of four until one unsuspecting night of December 1995 that had changed it all. The accused gave in to the order of lust and had carnal knowledge of his daughter AAA who could only murmur in resistance. That initial incident soon followed in regular succession. AAA claimed that her father raped her twice in a week. The incestuous coitus soon found AAA giving birth to BBB. The accused admitted in open court that he fathered his daughter's son.

Unable to bear her sufferings much longer, AAA finally charged her father with the crime of rape in a complaint which, as so amended on 24 January 1997, read:

"That in or about the second week of December, 1995 and for sometime thereafter, at Kapatagan, Lanao del Norte, Philippines and within the jurisdiction of this Honorable Court, the above-named accused did then and there wilfully, unlawfully and feloniously, by means of force and intimidation to wit: while the undersigned complainant, who is accused's 16-year old daughter, was sleeping inside their shanty which serves as their residential house, the said accused lay beside her, touch her body, caress her breast, remove her panty and have sexual intercourse upon her against her will and consent, which criminal acts of the accused was repeated on several occasions; that as a result of accused's criminal designs, said complainant gave birth to a child named Michael Rodriguez.

"CONTRARY to and in VIOLATION of Article 335 of the Revised Penal Code in relation to Republic Act 7610."^[1]

The accused, at first, entered a plea of not guilty to the crime charged upon his arraignment on 15 October 1997. Later, however, he told his counsel-de-oficio to withdraw the plea of innocence to one of guilt. The accused was forthwith arraigned anew, and he pleaded "guilty".

Following the plea of guilty, the trial court, in its order of 14 January 1998, rendered judgment, thusly:

"WHEREFORE, finding the accused guilty beyond reasonable doubt of the crime of multiple rape in violation of Article 335 of the Revised Penal Code in relation to Republic Act 7610, the Court hereby sentences him to suffer a prison term of *reclusion perpetua*, and to indemnify the private complaint the amount of Fifty Thousand (P50,000.00) Pesos."^[2]

The court, considering the gravity of the offense charged, resolved to set aside its decision and directed the prosecution to prove the guilt of the accused and the precise degree of his culpability.^[3] Once it was done, the trial court, in its decision of 22 April 1998, convicted the accused of the crime of rape and meted the capital punishment. Its decretal portions, now up for automatic review, read:

"WHEREFORE, in view of the foregoing, judgment is hereby rendered finding the accused MEDRILLO RODRIGUEZ guilty beyond reasonable doubt of the crime of rape in violation of Art. 335 of the Revised Penal Code in relation to Republic Act 7659, and the Court hereby sentences him to suffer a penalty of DEATH, and to indemnify the private complainant the amount of Fifty Thousand (P50,000.00) Pesos.

"Let the records of this case be forwarded to the Honorable Supreme Court for automatic review."^[4]

The accused would now argue that the trial court gravely erred in ignoring the safeguards expressed in Rule 116 of the 1985 Rules on Criminal Procedure^[5] and in not endeavoring to conduct a searching inquiry on the voluntariness and full comprehension of the consequences of the plea of guilty. The court *a quo*, he claimed, proceeded to accept the plea of guilty without explaining to him in simplest terms the consequences thereof notwithstanding his manifestation to the effect that there was a portion in the complaint which he did not understand.

Indeed, Section 3, Rule 116, of the Revised Rules on Criminal Procedure makes it explicit that when the accused pleads guilty to a capital offense, the court is bound to conduct a "searching inquiry" into the voluntariness and full comprehension of the effects of his plea and to thereupon require the prosecution to prove his guilt and the precise degree of culpability. The searching inquiry, which must be recorded, requires the court to make it indubitably certain that the accused is fully apprised of the consequences of his plea.^[6] The court must let the accused realize that a plea of guilty will not, particularly in reference to Republic Act No. 7659, affect or reduce the death penalty as he may otherwise perceive and so come to believe. An accused, not infrequently, would plead guilty in the hope or expectation of a lenient treatment or of a lighter penalty, a situation that should compel the judge to make sure that the accused does not labor under these false impressions. The bottomline rule is that the plea of guilty must be predicated on a free and informed judgment and conviction must not be based on an improvident plea or incriminatory admissions of the accused during arraignment.^[7] Where the trial court has inadequately discharged its duty in this regard, a plea of guilty to a capital offense can be rightly discarded and held legally inconsequential.

It would appear that, indeed, the exchange that took place during the arraignment of the accused was far from being satisfactory. Thus -

"COURT: Re-arraign the accused.

(At this juncture, the Court Interpreter is now translating the information/complaint to the accused in a language known to him)

"Q Did you understand the complaint read to you?

"A The accused answered that part of the information read to him he did not understand. The accused manifested that he did not force her daughter.

"Q How do you plead?

"A Guilty, sir.

"COURT: Did you understand your plea of guilty to the offense charged?

"Accused: There is nothing I can do.

"COURT: You have nothing to do but to enter into a plea of guilty to the offense charged.

"Accused: Yes sir.

"COURT: You move for another resetting.

"x x x x x x x
x x

"THIRD CALL at 3:03 P.M.

"PROS. G. MARAVE:

For the prosecution, Your Honor.

"ATTY. D. VICOY:

For the accused, Your Honor. We pray again that the accused be re-arraigned.

"COURT: Why? Will you inform the court.

"ATTY. D. VICOY:

He is willing to suffer imprisonment of 20 years.

"COURT: For what he had done against the victim?

"ATTY. D. VICOY:

Yes, Your Honor, that was his manifestation.

"COURT: And what else?

"ATTY. D. VICOY:

And we pray that the sentence to be imposed to him is 20 years as already recommended by the prosecution.

"COURT: So, he is willing to re-enter a plea of guilty to the offense charged.

"ATTY. D. VICOY:

Yes sir.

"COURT: You are now moving for the withdrawal of his former plea?

"ATTY. D. VICOY:

We again pray that the accused be re-arraigned.

"COURT: Is the manifestation of counsel true that you are now voluntarily re-entering a plea of guilty to the offense charged and you are now moving for the withdrawal of your former plea of not guilty to substitute it to a plea of guilty?

"Accused: Yes sir.

"COURT: That you have now decided to re-enter a plea of guilty to the offense charged as manifested by your counsel?

"Accused: Yes sir.

"COURT: That you indeed had committed the crime charged against you?

"Accused: Yes sir.

"COURT: You know that if you will insist on withdrawing your former plea of not guilty to substitute it to that of guilty, you will be imprisoned for a penalty imposable under the law?

"Accused: Yes sir.

"COURT: That you will be imprisoned for 20 years or even life imprisonment?

"Accused: Yes sir.

"COURT: No force, intimidation, threat or any other similar force was employed on you?

"Accused: No sir.

"COURT: Re-arraign the accused.

"x x x

x x

x

x x x

"Q Did you understand the complaint/information filed against you?

"A Yes madam.

"Q How do you plead?

"A I am guilty."^[8]

Where a capital offense is involved in a positive plea, it becomes imperative for the trial court to observe to the letter the procedural commands set by the rules. This Court will not hesitate to set aside a condemnatory judgment that is based on a plea of guilty when the rules to take it into proper account are ignored. Nevertheless, where the trial court receives, independently of the plea, evidence to determine precisely whether the accused has erred in admitting his guilt, the manner in which that plea is made - improvidently or not - overrides that adverse legal impact. In fine, an accused may still be convicted if there is ample proof on record, not contingent on the plea of guilty, on which to predicate conviction.^[9] There is such evidence in this case.

The testimony of AAA, even standing alone, adequately substantiates the case for the prosecution. AAA has given a candid, plain, and straightforward account of her humiliating experience in a manner reflective of honest and unrehearsed declaration.^[10] The relevant portions of her testimony read: