

EN BANC

[G.R. No. 135053, March 06, 2002]

**PEOPLE OF THE PHILIPPINES, APPELLEE VS. BENJAMIN GALVEZ,
APPELLANT.**

DECISION

PANGANIBAN, J.:

The mandatory procedure laid down by jurisprudence and the Rules of Court should be meticulously observed by trial courts in accepting a plea of guilt in a case involving a capital offense. There should be no doubt that the accused might have misunderstood the nature of the charges and the consequences thereof. Otherwise, the plea would be set aside for having been improvidently made.

The Case

For automatic review is the July 30, 1998 Decision^[1] of the Regional Trial Court (RTC) of Bayombong, Nueva Vizcaya (Branch 27) in Criminal Case No. 3299, convicting Benjamin Galvez of qualified rape and sentencing him to death. The assailed Decision disposed as follows:

"WHEREFORE, finding the accused Benjamin Galvez y Domingo GUILTY beyond reasonable doubt of committing rape against his own daughter, 16 years old at the time of the rape, he is hereby sentenced to die by lethal injection; to pay the victim the sum of P50,000.00 as civil indemnity and to pay the costs of the suit."^[2]

The Facts

In its Brief,^[3] the Office of the Solicitor General presents the following narration of facts:

"Cristina Galvez was born on May 10, 1981. She, her father, Benjamin Galvez, the appellant herein, together with her five (5) siblings, resided at Tuao South, Bagabag, Nueva Vizcaya.

"Sometime in the third week of April 1997, about 6:00 o'clock in the evening, Cristina, who was then sixteen (16) years old, and her youngest sister, Melowin, were sleeping beside each other on the bed. Their bed was beside an aparador and Cristina slept on the side nearest to the aparador. Appellant's bed was beside the door and was just near the bed where Cristina and Melowin were sleeping. Three (3) of their brothers were also asleep in the house, namely, Melchor, 13 years old, Alvin, 12 years old, and Jesus, 9 years old, while their 19 year-old brother was at a neighbor's house watching television. Their mother, Marilyn Galvez, was not with them as she was in Hongkong at that time.

"That night, appellant, who was drunk, arrived and then ate. After eating, he went to lie down on his bed. After a lapse of thirty (30) minutes, appellant went to lie down on the bed where Cristina and Melowin were sleeping. He positioned himself on the right side of Cristina, slowly lifting and moving Melowin, who was asleep beside Cristina, away from her sister's side. Then, he slowly removed Cristina's shorts and shirt and began touching her on all parts of her body. He positioned himself on top of her but she kicked him, causing him to be thrown against the aparador. Apparently hurt and angered, he pulled his samurai from under his mat and pointed it towards the left front portion between her breast and her armpit. Scared, she was immobilized. She knew of her father's capacity to kill her because she had previously witnessed how he almost killed their mother when the latter was still with them before she left for Hongkong. Appellant completely undressed himself, started to kiss her, and forcibly inserted his sexual organ into hers and did a pumping motion. Before leaving her to sleep on his bed, he threatened to kill her if she would report what he did to her, warning that he would also include the one whom she would report to. She felt pain on her body, including her private parts. She also saw a small quantity of blood coming from her vagina.

"On April 28, 1997, appellant repeated the dastardly act on his daughter, Cristina. This time, he already held the samurai, pointing it towards her neck when he went near her. Afraid, she had to allow appellant to undress her without a struggle and he successfully had sexual intercourse with her. He thereafter regularly raped her about 3 to 4 times a week, usually after a one (1) day interval. This went on until Cristina became pregnant and gave birth to a baby boy on January 23, 1998. The baby boy was named Christian."^[4] (Citations omitted)

In an Information dated February 20, 1998, appellant was charged with multiple rape, defined and penalized under Republic Act No. 8353. He allegedly committed the crime as follows:

"That sometime in the third week of April, 1997, in the evening and several times thereafter, in Barangay Tuao South, Municipality of Bagabag, Province of Nueva Vizcaya, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design, with the use of force, threat and intimidation, did then and there wilfully, unlawfully and feloniously have carnal knowledge of his daughter Cristina Galvez y Tomboc, 16 years old at the time, against the latter's will and without her consent, to her damage and prejudice including her parents."^[5]

During the arraignment, read and explained to appellant in Ilocano -- a dialect he spoke and understood -- were the charges for ten counts of rape. Assisted by Atty. Renato Mercado, he pleaded not guilty to the charges.^[6] However, on May 14, 1998, appellant, this time with the assistance of Atty. Ruby Rosa Espino,^[7] changed his plea to that of guilt. In accordance with the RTC's Order dated May 14, 1998, an inquiry into the voluntariness and full comprehension of his plea was conducted. After hearing evidence for the prosecution, the lower court rendered the assailed

Decision.

Appellant did not present any evidence on his behalf. Neither did his counsel present in his Brief any counter-statement of the facts.^[8]

Ruling of the Trial Court

The automatically appealed Decision states that the trial was conducted pursuant to *People v. Alicando*,^[9] which held that “a conviction in capital offenses cannot rest alone on a plea of guilt -- after a free and intelligent plea of guilt, the trial court must require the prosecution to prove the guilt of the appellant and the precise degree of his culpability beyond reasonable doubt.”^[10] As appellant absolutely refused to offer any evidence in his own favor, the trial court decided the case solely on the basis of the evidence presented by the prosecution.

According full faith and credence to the testimony of the victim, the RTC found that she had been raped by her father. It based its conclusion on the following: (1) she cried several times during her testimony; (2) no daughter, especially one as young as she was, would have charged her own father with so serious an offense that prescribed the death penalty, if she had not indeed been raped; (3) appellant was accorded the chance to refute the claim of his daughter, yet he did not; besides, a young girl like her would not have submitted to the advances of her own father, unless these were made through force and intimidation; and (4) appellant entered a plea of guilt.^[11]

However, the RTC convicted him of only one count of rape perpetrated in the third week of April, 1997, because the Information had alleged only one incident of the crime. The allegation that the victim was raped several times after the third week of April 1997 was deemed “too indefinite to give the accused the opportunity to prepare his defense.”

Hence, this automatic appeal.^[12]

The Issue

Appellant prays for the remand of the case to the court of origin for proper arraignment and trial based on this sole assignment of error:

“The court a quo gravely erred in not applying the safeguards set forth under Rule 116, 1985 Rules on Criminal Procedure.”^[13]

This Court’s Ruling

We agree with appellant -- his plea of guilt was improvident.

Main Issue:

Proper Procedure When the Accused Pleads Guilty in a Case Involving a Capital Offense

Citing *People v. Bello*,^[14] appellant argues that the trial court failed to observe the

mandatory procedure for accepting a positive plea to a charge punishable by death.

The stringent procedure governing the reception of a plea of guilt, especially in a case involving the death penalty, is imposed upon the trial judge in order to leave no room for doubt on the possibility that the accused might have misunderstood the nature of the charge and the consequences of the plea.^[15]

In *People v. Aranzado*,^[16] the Court, citing Section 3, Rule 116^[17] of the Rules of Court, set the following guidelines for receiving a plea of guilt in a case involving a capital offense:

- “(1) The court must conduct a searching inquiry into the voluntariness and full comprehension of the consequences of the plea;
- (2) The court must require the prosecution to present evidence to prove the guilt of the accused and the precise degree of his culpability; and
- (3) The court must ask the accused if he desires to present evidence in his behalf and allow him to do so if he desires.”^[18]

Moreover, as prescribed in *Aranzado*, the searching inquiry to be conducted by the trial court should consist of the following:

- “(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. These the court shall do in order 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 or avenging quarters.
- (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. Not infrequently indeed