

EN BANC

[G.R. No. 130663, March 20, 2001]

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. ANGELES STA. TERESA, APPELLANT.

DECISION

PANGANIBAN, J.:

In convicting an accused who has pleaded "guilty," the trial court should not be satisfied by his admission of guilt of the crime charged. By the same token, the defense counsel is duty bound to defend his client, protect his rights and fulfill the stringent standard set by the Constitution and the Rules of Court on due process. For the rank failure of both the trial court and the defense counsel to observe appellant's right to due process, this Court cannot affirm his conviction. A remand to the trial court is thus in order.

The Case

For automatic review by this Court is the Decision^[1] dated May 28, 1997 of the Regional Trial Court of Cabanatuan City, Branch 27, finding Angeles Sta. Teresa guilty beyond reasonable doubt of raping his 12-year old daughter and imposing upon him the supreme penalty of death. The decretal portion of said Decision is worded as follows:

"WHEREFORE, premises considered, the Court finds, and so holds, that the accused ANGELES STA. TERESA y PROTESTA is guilty beyond reasonable doubt of the crime of [r]ape and hereby sentences him to suffer the penalty of DEATH, and for him to indemnify the offended party in the amount of P50,000.00, as moral and exemplary damages, and to pay the costs of this suit.

SO ORDERED."^[2]

Upon a complaint filed by his daughter, Lorna Sta. Teresa, appellant was charged with rape on March 10, 1997, in an Information which reads as follows:

"That sometime in the month of October, 1996, at Brgy. Soledad, Municipality of Sta. Rosa, Province of Nueva Ecija, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design, and by means of force, violence and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of his own minor daughter LORNA STA. TERESA, who is about 12 years old, taking advantage of her tender age and innocence, against her will and without her consent, to her damage and prejudice.

CONTRARY TO LAW."^[3]

When arraigned on May 7, 1997, appellant with the assistance of his counsel *de officio*^[4] pleaded "not guilty."^[5] But after the prosecution presented its witnesses -- Dr. Maria Lorraine De Guzman, medico-legal officer, and the rape victim -- appellant, on May 16, 1997, withdrew his plea of "not guilty" and changed it to a plea of "guilty."^[6] He said that he "had no intention to commit such act at the time but because I was drunk, I was not on my right mind x x x."^[7] He then asked that he be pardoned for his deed.^[8]

After such manifestation, the prosecution decided to dispense with the presentation of other testimonial evidence and formally offered their exhibits to the trial court. When asked for comment by the trial court, appellant's counsel *de officio* responded, "[c]onsidering that the accused openly admits his guilt, I am not anymore in a position to oppose the said formal offer of exhibits."^[9]

The trial court then admitted all the documentary exhibits offered by the prosecution without any comment and/or objection from the defense counsel. It granted the motion of appellant to change his plea to one of guilt. Thereafter, it re-read to the accused the complaint filed against him, interpreted it and explained it in a language which he understood -- all these with the assistance of his counsel *de officio*.

The trial court then called appellant to the witness stand. There, he testified how the rape occurred. After testifying, he asked for pardon and, if not forthcoming, then leniency because he was not in his right mind and senses when the rape incident occurred.^[10]

The Facts

Version of the Prosecution

The solicitor general summarizes the evidence for the prosecution in this wise:^[11]

"One night in October 1996, appellant brought complainant, her [sic] daughter, in a hut belonging to his cousin in Barangay Soledad, Sta. Rosa, Nueva Ecija. While she was sleeping, she was awakened when she felt that someone was removing her short pants and panties. She saw appellant. When he had disrobed her, appellant also removed his clothes. Appellant inserted his penis into the vagina of complainant. Her private organ bled and she felt something slippery come out of her organ.

"Complainant narrated to her employer Marites Eugenio that she was raped by her own father. Eugenio accompanied complainant to the Paulino J. Garcia Memorial Research and Medical Center, where she was examined by Dr. Ma. Lorraine de Guzman at about 2:20 p.m. of February 28, 1997. Dr. de Guzman examined complainant and found in her organ, 'multiple old healed laceration at 3, 5, 6, and 9 o'clock.' The 'vaginal opening admits 1, 2 fingers easily'." (citations omitted)

Version of the Defense

On the other hand, appellant's version of the incident is as follows:^[12]

"1. The accused-appellant is a resident of Pasakaw, Camarines Sur. He has a wife by the name of Virgie Sta. Teresa. They have five children. The complainant is the eldest.

"2. Sometime in October 1996, accused-appellant accompanied complainant to Nueva Ecija to be employed as helper in the house of Marites Eugenio.

"3. While in Nueva Ecija, the accused-appellant temporarily resided at the hut owned by accused-appellant's cousin situated in Soledad, Sta. Rosa, Nueva Ecija.

"4. One night sometime in October 1996, the accused-appellant got so drunk that he was not conscious of what he was doing. He did not recognize who he was with. Out of instinct, he made advances to make love with the person he was with who happened to be his daughter. The complainant freely and voluntarily consented. She was over twelve (12) years old at that time.

"5. The following day, the accused-appellant accompanied the complainant to the house of Marites Eugenio situated [at] Barangay Burgos, Santa Rosa, Nueva Ecija to be employed as helper."

Ruling of the Trial Court

The trial court, after evaluating the prosecution evidence and considering appellant's admission of the crime, convicted him of rape and sentenced him to death. Wrote the trial judge:^[13]

"Therefore, after a careful evaluation of the evidence presented by the prosecution and the defense, this Court is morally convinced, and so holds, that there is not a shred of doubt that the prosecution's case was duly proven by direct evidence which taken collectively, in essence and in all respects led to the logical conclusion that the accused is guilty beyond reasonable doubt of the crime charged in the complaint.

"It is [a] tough task imposing the death penalty, and this Presiding Judge finds it not an easy task to do so and is pained no end whenever the opportunity arises. While it is true that humans should be compassionate of their fellows, the situation with judges, however, requires of them to be discriminating in this regard. For, '[w]hile compassion is, in itself a virtue, it cannot and should not replace justice under law, in this particular case, justice to the victim.' It should be stressed here that our present society has long since advanced from that dark age of man's history where might and brute force had ruled supreme and absolute. Our present time is now ruled by law and moral persuasions; where the greater interest of the greater number of people is held high in the balance of justice. x x x"

Thus, this automatic review before us.^[14]

Issues

In his Brief, appellant submits that the court *a quo* committed the following errors:
[15]

"I

The 'plea of guilty' made by the accused-appellant was qualified and conditional. Thus, the court *a quo* gravely erred in not entering a plea of not guilty for the accused-appellant and in not affording the latter the opportunity to adduce controverting evidence in blatant violation of his right to due process.

"II

The court *a quo* gravely erred in convicting the accused-appellant in spite of the material inconsistencies and improbabilities that tainted the testimony of the private complainant.

"III

The court *a quo* gravely erred in convicting the accused-appellant in spite of the fact that the testimony of the private complainant is contrary to the common knowledge and experience of mankind.

"IV

The court *a quo* gravely erred in convicting the accused-appellant in spite of complainant's failure to offer any resistance prior to and even during her alleged rape[.]"

The Court's Ruling

We find that the stringent constitutional standards impelled by due process have not been complied with in the court *a quo*, thus necessitating the remand of this case for further proceedings.

First Issue:

Appellant's Qualified and Conditional Plea

The imposition of the death penalty obligates this Court to review closely the judgment of conviction, not only on whether appellant committed the crime of rape against his own minor daughter, but also whether his constitutional rights have been duly observed and protected before and during his trial.

As aforesaid, appellant initially entered a plea of "not guilty." However, after the victim and the medico-legal officer testified against him, his counsel *de officio* manifested that his client wanted to change his plea of "not guilty" to one of "guilty."

The trial judge then conducted an inquiry into the voluntariness of the change of plea and appellant's full comprehension of its consequences. However, we believe that the trial judge fell short of the exacting standards set forth in Section 3, Rule 116 of the Revised Rules of Criminal Procedure, as follows: