

EN BANC

[G.R. No. 134530, December 04, 2000]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
ROBERTO SAMONTAÑEZ Y DELA VEGA, ACCUSED-APPELLANT.**

D E C I S I O N

DE LEON, JR., J.:

Before us on automatic review is the Decision^[1] of the Regional Trial Court, Branch 14, of Nasugbu, Batangas dated May 15, 1998 in Criminal Case No. 1032 convicting the appellant, Roberto V. Samontañez, of the crime of rape with homicide and sentencing him to suffer the supreme penalty of death.

In the early morning of November 25, 1995, Corazon delas Alas saw her daughter, eighteen (18) year-old Lolita delas Alas, off to school from their residence in Sitio Ilaya, Barangay Bunducan, Nasugbu, Batangas. That was the last time Corazon had seen her alive because at 8:00 o'clock in the evening of the same day Lolita's lifeless and naked body was found in the middle of a sugar cane plantation in Sitio Ilaya, Barangay Bunducan, Nasugbu, Batangas. Lolita was apparently raped before the attacker ended her life.

Nobody witnessed the actual commission of the grisly crime. However, police investigation reveals that Roberto Samontañez was seen at around 6:30 o'clock in the evening on November 25, 1995 while he was in the act of coming out of the sugar cane plantation of Perino Desacola in Sitio Ilaya, Barangay Bunducan, Nasugbu, Batangas near the place where the dead body of Lolita delas Alas was later found. It also appears that earlier, at around 5:30 o'clock in the afternoon, Roberto passed by the house of Melecio Mendoza in Sitio Bulanggutan, Barangay Bunducan and he headed eastward to the direction of the sugar cane plantation of Desacola. Thirty (30) minutes later, Lolita was also spotted, and she was likewise heading eastward to her house in Sitio Ilaya. At around 7:00 o'clock in the evening, Roberto returned heading westward and he passed through the same path along the cane field.

On November 28, 1995, Roberto was fetched by the police authorities of Nasugbu, Batangas from his workplace at Hermogenes Trading in Barangay Galicia III, Mendez, Cavite. During the investigation at the Nasugbu Police Headquarters in Nasugbu, Batangas, Roberto admitted to the police that the other personal belongings of Lolita delas Alas were inside his bag that was left at his workplace in Mendez, Cavite. A follow-up investigation conducted by the Nasugbu police authorities at Hermogenes Trading in Mendez, Cavite led to the recovery of the said personal belongings of the victim.

On January 11, 1996, Roberto Samontañez was formally charged in court with the crime of rape with homicide, defined and penalized under Article 335 of the Revised

Penal Code, as amended, in an Information that reads:

That on or about the 26th day of November, 1995, at about 6:30 o'clock in the evening, at Sitio Ilaya, Brgy. Bunducan, Municipality of Nasugbu, Province of Batangas, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, by means of force and intimidation, did then and there wilfully, unlawfully and feloniously have carnal knowledge of Lolita delas Alas y Andino against her will and consent and by reason or on occasion of the said rape accused with intent to kill, wilfully, unlawfully and feloniously strangled the said Lolita delas Alas y Andino with the use of the latter's T-shirt which directly caused her instantaneous death. Further, the personal properties of Lolita delas Alas y Andino consisting of a gold ring and a wrist watch in an undetermined amount were taken by the accused.

Contrary to law.^[2]

Upon being arraigned on February 1, 1996, accused Roberto Samontañez, assisted by counsel *de oficio*, entered the plea of "Not guilty" to the Information in this case.

Pre-trial was scheduled and terminated on March 14, 1996. Before trial on the merits could ensue the accused, through counsel, manifested his intention of changing his earlier plea of not guilty to that of guilty. Accordingly, the trial court ordered that the accused be re-arraigned in Tagalog, a dialect which he understood, and the said accused then pleaded guilty to the charge of rape with homicide as stated in the instant information. After being satisfied that the accused entered a voluntary and informed plea by asking some questions, the trial court required the prosecution to adduce evidence to prove the guilt of the accused and the precise degree of his culpability pursuant to Article 116, Section 3 of the 1985 Rules of Criminal Procedure.^[3]

The evidence of the prosecution shows that on November 26, 1995, the victim, Lolita delas Alas alias Betia, left their house in Sitio Ilaya, Barangay Bunducan, Nasugbu, Batangas at around 6:00 o'clock in the morning to attend her classes at Kim Harold Computer School in Poblacion, Nasugbu, Batangas. She was expected to return home at 5:00 o'clock in the afternoon of the same day. Having failed to come home on time, the victim's mother, Corazon delas Alas, decided to meet Lolita in Barangay Pantalan which was her usual route in going home from school. Upon her arrival in Barangay Pantalan however, Corazon was informed that Lolita had already passed by, and that by then she must have reached their home. Corazon returned to Sitio Ilaya but found that Lolita was not yet home. Filled with apprehension, Corazon sought the assistance of her neighbors, Renato Bauyon and Dalmacio Salao, to locate her daughter's whereabouts. At 8:00 o'clock in the evening Corazon fainted upon being informed by Bauyon and Salao that the dead body of Lolita was found in the sugar cane plantation of Perino Desacola. The body of her dead daughter was already inside the house when she regained consciousness.^[4]

Corazon gave her sworn statement^[5] to the police on December 8, 1995 in

connection with the rape-slay case of her daughter Lolita delas Alas. She knew accused-appellant Roberto Samantañez for the reason that he was a resident of Sitio Balanggutan, Barangay Bunducan, Nasugbu, Batangas. The death of her daughter was very painful to Corazon and that she spent about P40,000.00 in connection with her wake and funeral.^[6]

It appears that on November 26, 1995, Carlito Samantañez, who is a first cousin of both the accused-appellant and the victim, was on his way home after gathering fodder for his animals when, at a distance of twenty (20) arms length, he chanced upon Roberto at around 6:30 o'clock in the evening while the latter was coming out of the sugar cane plantation of Perino Desacola in Sitio Ilaya, Barangay Bunducan, Nasugbu, Batangas. Carlito and Roberto were coming from opposite directions. However, when they came close to two (2) arms length with each other, Carlito observed that Roberto, who was naked from waist up with his T-shirt placed on his shoulder, was perspiring, somewhat surprised and looked pale ("medyo po namumutla"). Carlito greeted Roberto and asked him where he just came from, but the latter did not answer and left hurriedly. Carlito dismissed his cousin's reaction, thinking that he (Roberto) may have been merely drunk.^[7]

After reaching his house, Carlito joined in the search for Lolita upon learning that she was missing. At 8:00 o'clock in the evening, the victim was found dead in the sugar cane plantation of Perino Desacola in Sitio Ilaya. Lolita was lying on her stomach, naked and a black T-shirt was tied around her neck.^[8]

Another prosecution witness, Melecio Mendoza, who is an uncle of Roberto Samantañez by affinity, saw Roberto walking eastward to Sitio Ilaya in Barangay Bunducan at about 5:30 o'clock in the afternoon on November 26, 1995. Melecio also saw Lolita at around 6:00 o'clock in the evening of the same day walking home to Sitio Ilaya. Subsequently, at 7:00 o'clock in the evening, Melecio again saw Roberto passed by his house, this time heading westward to Sitio Balanggutan in Barangay Bunducan. Roberto was naked from waist up with his T-shirt placed on his shoulder.^[9]

Melecio joined in the search for Lolita after having been requested by Renato Bauyon. Lolita was totally naked and already dead when they found her in the sugar cane plantation of Perino Desacola in Sitio Ilaya which was approximately one hundred (100) meters away from his house in Sitio Balanggutan.^[10]

Acting on the report that a dead woman was found in Barangay Bunducan, Nasugbu, Batangas, SPO2 Buenaventura Masikat and other police officers of Nasugbu, Batangas, together with Dra. Estela Hizon, proceeded to the crime scene in Sitio Ilaya, Barangay Bunducan, Nasugbu, Batangas where the victim, Lolita delas Alas, was found dead and lying on her stomach totally naked with a black T-shirt tied around her neck. A panty was stuffed in her anal area. Her hands were stretched upward and her bra was half removed.^[11]

Dra. Estela Hizon, M.D., Municipal Health Officer of Nasugbu, Batangas, conducted a post-mortem examination on the cadaver of Lolita delas Alas which was already in a state of *rigor mortis*. Her findings are contained in her post mortem certification^[12]

dated November 26, 1995, thus:

1. Contusion around the left eye.
2. Contused wounds at the upper and lower lips.
3. Presence of mark of strangulation around the neck.
4. Multiple contusions at the anterior aspect of the chest.
5. Multiple laceration of the hymen.

Cause of death: Asphyxia by Strangulation.

Dra. Hizon also prepared an anatomical sketch of the human body^[13] showing the location of the injuries indicated in her post-mortem report and another anatomical sketch showing the hymenal lacerations^[14] in the vaginal canal of the victim. She explained that the contusion on the left eye, the contused wounds on the upper and lower lips with swelling and blackish discoloration as well as the multiple contusions at the anterior aspect of the chest of the victim may have been caused by fist blows. The horizontal skin depressions around the victim's neck was caused by ligature possibly with the use of a piece of cloth or a rope. The protruding tongue of the victim may have been caused by constriction around her neck. The multiple fresh lacerations of the hymen may have been caused by forcible penetration of the victim's vaginal canal. There was watery bloodied fluid coming out of the victim's vagina. Finally, the cause of death of the victim was asphyxia by strangulation.^[15]

Meanwhile, SPO2 Masikat found two (2) short pants and one (1) piece of slipper that belonged to Lolita delas Alas.^[16] On the other hand, SPO2 Dionisio Calara took pictures^[17] of the deceased victim and the scene of the crime on the same evening. On November 27, 1995, police officers Masikat and Calara returned to the crime scene and found the black bag of the victim containing a lotion, a pair of maong pants and a pair of shoes.^[18] They also found the brown bag of the victim which contained her Kim Harold identification card, coin purse, hair pin, powder kit and powder puff.^[19] In addition, they prepared a sketch of the scene of the crime^[20] and its vicinity. Thereafter, SPO2 Masikat conducted interviews of the persons in the vicinity among whom were the prosecution witnesses, Carlito Samontañez and Melecio Mendoza. During the interview, SPO2 Masikat learned, among others, that the suspect, Roberto Samontañez, could possibly be located at Hermogenes Trading in Barangay Galicia III, Mendez, Cavite where he worked.^[21]

On November 28, 1995, SPO2 Masikat, together with police officers Ramos, Malinay, Ocoma, Lejano and Ilao, all of the Nasugbu, Batangas police found Roberto Samontañez at the Hermogenes Trading in Barangay Galicia III, Mendez, Cavite. After talking to his employer, they invited Roberto to the Nasugbu Police Headquarters. During the interrogation at the police headquarters, Roberto informed SPO2 Masikat and SPO2 Calara that some of the personal belongings of Lolita delas Alas were inside his bag that was left at his workplace in Mendez, Cavite.^[22]

On December 4, 1995 SPO2 Masikat and his group returned to Hermogenes Trading in Barangay Galicia III, Mendez, Cavite and inquired from Mr. Nelson Hermogenes about the bag of Roberto. Accordingly, Mr. Hermogenes produced a black bag

purportedly belonging to Roberto containing an Omax wrist watch, a Joop cologne and a pawnshop receipt for a gold ring that was subsequently redeemed by SPO2 Masikat for P500.00. The three (3) articles were positively identified during the trial of the case by Corazon delas Alas as belonging to her daughter, Lolita delas Alas. The police also found a fan knife (balisong) and a Barangay Clearance inside the black bag of Roberto Samantañez.^[23]

The prosecution rested its case on November 30, 1997. During the scheduled hearings on January 14 and 29, 1998 for the presentation of evidence of the defense, the accused took the witness stand and reiterated his previous plea of guilty to the crime charged in the information. Thereafter, the trial court rendered a decision, the dispositive portion of which reads:

WHEREFORE, foregoing premises considered, accused Roberto Samantañez is found guilty beyond reasonable doubt as principal, of the crime of Rape with Homicide as thus penalized and is hereby sentenced to DEATH, together with the accessory penalties provided for in Article 40 of the same code. The accused is further condemned to pay to the heirs of the victim the amount of P40,000.00 by way of compensatory or actual damages; P50,000.00 as civil indemnity for her death; and P100,000.00 as and for moral damages, The accused should pay costs.

SO ORDERED.^[24]

In his Brief, appellant Roberto Samantañez assails the validity of his plea of guilty to the charge in the information in this case for having been improvidently made. On the other hand, the People belie the claim of the appellant by citing portions of the transcript of the stenographic notes of the hearing during the appellant's re-arraignment on March 14, 1996 and that of the scheduled hearings on January 14 and 29, 1998 to show that he voluntarily entered the plea of guilty to the crime of rape with homicide as charged in the information and with full knowledge of the consequences of his plea of guilty. It averred that the guilt of the appellant was also established beyond reasonable doubt by independent evidence adduced by the prosecution during the trial of the instant case.

The record shows that the trial court relied on a) the appellant's plea of guilty to the crime of rape with homicide as charged in the information and b) the evidence adduced by the prosecution during the trial of the instant case.

Section 3 Rule 116 of the Revised Rules on Criminal Procedure specifically mandates the course that trial courts should follow in case where the accused pleads guilty to a capital offense, as follows:

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