

[SYLLABUS]

[G.R. No. 119073, March 13, 1996]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
ALBERTO DIAZ, ACCUSED-APPELLANT.**

D E C I S I O N

PUNO, J.:

In an Information, dated November 16, 1994,^[1] appellant **ALBERTO DIAZ** was charged with the heinous crime of RAPE^[2] for having carnal knowledge with his 14-year old daughter, complainant DORILEEN DIAZ, against the latter's will. The Information reads:

"That on or about the 24th day of September 1994, in the early morning, in the Poblacion of the Municipality of Rizal, Province of Palawan, Philippines, and within the jurisdiction of this Honorable Court, the said accused, with lewd design and by using force and intimidation, did then and there wilfully, unlawfully and feloniously have carnal knowledge with one DORILEEN V. DIAZ, his daughter, against her will, to her damage and prejudice.

"CONTRARY TO LAW."

Arraignment and pre-trial was set on January 13, 1995. Accused was assisted by Atty. Lucia Judy Solinap, of the Public Attorney's Office, Department of Justice. Prior to actual arraignment, Atty. Solinap manifested in open court that during her interview with accused, the latter intimated to her that **he would enter a plea of GUILTY to avoid expenses of litigation.**^[3]

After said manifestation, accused was arraigned in Tagalog. He pleaded guilty. The trial court then directed the prosecution to put accused on the stand to determine whether he fully comprehended the legal consequences of his plea.

Accused, a 41-year old farmer, testified that he understood the Information that was read to him. He admitted raping his daughter twice and affirmed that his plea of guilt was voluntary. He claimed he was aware of the gravity of the offense he committed and that, as a consequence, he would be meted the death penalty. Accused also testified that he was arrested on October 3, 1994 and has been detained for five (5) months. During his detention, he has been eating and sleeping well and appeared to be in full control of his senses at the time of his arraignment.

Convinced that accused understood the consequences of his plea and on the **sole basis** of accused's admission that he committed the crime, the trial court proceeded to render a Decision^[4] against accused, imposing on him the penalty of death, pursuant to Article 335 of the Revised Penal Code, as amended by R.A. 7659.

Accused did not appeal his conviction. Nonetheless, the case was elevated to this Court on automatic review.

In his Brief,^[5] accused maintains that the trial court erred in immediately rendering a decision convicting him of the offense charged without requiring the prosecution to first prove his guilt and the precise degree of his culpability, as required under the Rules on Criminal Procedure. **The Solicitor General fully agreed with accused's position and interposed no objection to the remand of the case to the trial court for further proceedings.**^[6]

We find merit in the submission of the Solicitor General.

Section 3, Rule 116 of the Rules on Criminal Procedure mandates:

"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."

In **People v. Camay**,^[7] we outlined the mandatory procedure to be followed by trial courts after an accused pleads guilty to a capital offense, *viz*:

"1. The court must conduct a searching inquiry into the voluntariness and full comprehension of the consequences of his 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.

"The amended rule is a capsulization of the provisions of the old rule and pertinent jurisprudence. We had several occasions to issue the caveat that **even if the trial court is satisfied that the plea of guilty was entered with full knowledge and meaning of its consequences, the Court must still require the introduction of evidence for the purpose of establishing the guilt and the degree of culpability of the defendant.** This is the proper norm to be followed not only to satisfy the trial judge but also to aid the Court in determining whether or not the accused really and truly comprehended the meaning, full significance, and consequences of his plea."

Moreover, in **People v. Alicando**,^[8] we ruled "x x x that under the 1985 Rules of Criminal Procedure, a conviction in capital offenses cannot rest alone on a plea of guilt. Section 3 of Rule 116 requires that 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. This rule modifies prior jurisprudence that a plea of guilt even in capital offenses is sufficient to sustain a conviction charged in the information without need of further proof. The change is

salutary for it enhances one of the goals of the criminal process which is to minimize erroneous conviction. We share the stance that 'it is a fundamental value determination of our system that it is far worse to convict an innocent person than let a guilty man go free."

In the case at bar, the records reveal that the proceedings conducted by the trial court after accused's arraignment fell short of the requirements mandated by law. At the outset, we note that the trial court directed the prosecution to put accused on the stand for the **sole purpose** of inquiring whether accused fully comprehended the legal consequences of his plea of guilt. The proceedings transpired as follows:

"INTERPRETER:

The accused pleaded Guilty, your Honor.

"COURT:

Enter a plea of Guilty. **Place him on the witness stand to determine whether he realize the significance of that plea of Guilty.**

xxx xxx xxx.

(After accused was placed under oath x x x)

COURT:

(to Prosecutor Guayco)

Propound questions, Fiscal.

xxx xxx xxx

PROSECUTOR GUAYCO:

(to accused Diaz)

xxx xxx xxx

Q Did you really understand what was read to you as the charged (Sic) (w)hen you pleaded guilty, Mr. Witness?

A Yes, sir.

Q Your plea of Guilty, Mr. Witness, is spontaneous, voluntary and you were not force(d) to admit crime charged against you?

A Voluntary, sir.

Q Do you understand, Mr. Witness, that with your plea of Guilty, you will be sentenced to suffer the penalty of death?

A Yes, sir.

COURT: (to accused)

Q And inspite of that you insist in (sic) your plea of Guilty?

A I could not do anything, your Honor.

xxx xxx xxx

PROSECUTOR GUAYCO: