

EN BANC

G.R. No. 241257 – PEOPLE OF THE PHILIPPINES, *plaintiff-appellee*,
versus, BRENDON P. PAGAL a.k.a “DINDO,” *accused-appellant*.

Promulgated:

September 29, 2020

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DISSENTING OPINION

LOPEZ, J.:

With due respect to the *ponencia*, I disagree to acquit the accused. Foremost, the improvident plea of guilt warrants the remand of this case to the trial court for appropriate proceedings. The absence of a searching inquiry as required under Section 3, Rule 116 of the 2000 Revised Rules of Criminal Procedure, and the accused’s subsequent appeal indicate that the plea of guilty may not have been voluntarily and intelligently made. These were aptly observed in the reflections of Justices Estela Perlas-Bernabe, Amy Lazaro-Javier, Rodil Zalameda, Edgardo De Los Santos, and Samuel Gaerlan. Thus, the accused should be re-arraigned to enter a proper plea so the court may render a valid verdict.

Moreover, even assuming that the plea of guilty is proper, I submit that the case should still be remanded because the trial court committed an error or abuse of discretion when it allowed *nolle prosequi* amounting to dereliction of duty. Notably, once an information has been filed, any disposition of the case, whether it results in dismissal, conviction, or acquittal of the accused, rests in the sound discretion of the trial court. The only limitation is that the accused’s substantial rights must not be impaired, and the State should not be deprived of due process.¹ Considering that there was already a plea of guilty, the trial court should have directed the prosecution, under pain of contempt, to prove the *corpus delicti* and to require the presentation of the victim’s death certificate, the autopsy report, and the investigation report, which are all readily available. These documentary pieces of evidence, coupled with the accused’s confession, may satisfy the required quantum of evidence to secure a conviction, at least for the crime of homicide, assuming that no eyewitness can be presented to the court.

It is my humble view that when an accused pleaded guilty, and the trial court is satisfied that it is voluntarily and intelligently made, meaning it is not improvident, the accused’s presumption of innocence **is already rebutted**. A plea of guilty is an admission of the material facts alleged in the information and must be considered a judicial confession of guilt.² A free and voluntary confession of guilt with full comprehension of its significance should be considered as evidence of high order because no person of a normal mind will deliberately admit to a crime

¹ *Fuentes v. Sandiganbayan*, 527 Phil. 58, 65 (2006).

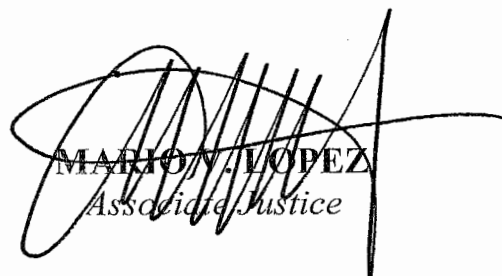
² *People v. Lagarto*, 274 Phil. 11, 17 (1991); and *People v. Perete, et al.*, 111 Phil. 943, 945 (1961).



unless prompted by truth and conscience.³ As such, the State and the private offended parties become interested in the proper sentencing of the accused. The ascertainment of the appropriate penalty is for the benefit of both the accused and the State. The right to a speedy trial or speedy disposition of the case is no longer material because the accused deserves to be serving his sentence. If there is any delay, the same cannot be considered prejudicial to the accused but on the State who is the real victim entitled to retribution for the crime committed. It must be stressed that the State also deserves due process for the speedy punishment of the accused.

Accordingly, the remand of this case is proper to afford the State its right to penalize the accused based on the crime he voluntarily pleaded. The crime of homicide, which does not *per se* require reception of evidence in cases of a plea of guilty,⁴ is considered subsumed as a lesser offense to the crime of murder.⁵ Yet, a conviction for the lesser offense may not be a commensurate penalty or punishment for the crime that the accused has confessed. Justice is better served if the accused will be convicted for the proper offense. The State does not deserve conviction for a lesser offense, worse an acquittal of the accused.

Accordingly, I join my esteemed colleagues that this case should be remanded to the trial court for appropriate proceedings. I also join their observations on the need to codify proper searching inquiry guidelines and other relevant procedures that the trial court may follow in cases when an accused pleads guilty to a capital offense.



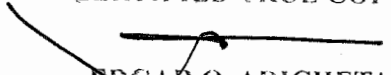
MARIONA LOPEZ
Associate Justice

³ *United States. v. De los Santos*, 24 Phil. 329, 358 (1913).

⁴ Under Section 4, Rule 116 of THE RULES OF COURT, reception of evidence is discretionary in cases of a plea of guilty for a non-capital offense.

⁵ *People v. Glino*, 564 Phil. 396 (2007). Also, Rule 120, Sec 4, which provides: "Sec. 4. Judgment in case of variance between allegation and proof. — When there is variance between the offense charged in the complaint or information and that proved, and the offense as charged is included in or necessarily includes the offense proved, the accused shall be convicted of the offense proved which is included in the offense charged, or of the offense charged which is included in the offense proved."

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EDGAR O. ARICHETA
Clerk of Court En Banc
Supreme Court