

## EN BANC

[ G.R. Nos. 144907-09, September 17, 2002 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
MANUEL GUTIERREZ, ACCUSED-APPELLANT.**

### DECISION

**BELLOSILLO, J.:**

VENUS RAMOS went to see her sister Analiza de la Cruz in her house in the family compound at Tibag, Baliuag, Bulacan, on 20 June 1999. Venus' other sister, Lorelie de la Cruz, lived next door with their cousin, accused Manuel Gutierrez, in the family's two (2)-storey ancestral home. At around 2:30 in the afternoon while Venus was watching television she heard some noise coming from the second floor of the old family home. She rushed there but was immediately greeted upstairs with a gruesome scenario. Her sister Lorelie was being stabbed mercilessly from behind by their cousin Manuel Gutierrez. Terrified, Venus retreated and dashed downstairs where she met her sister Analiza. Upon learning of the incident, Analiza rushed back to her house next door. Venus ran towards the gate of the compound in an effort to seek help from the neighbors. When she looked back she chanced upon the accused also stabbing her cousin Rializa Trabel. The accused next turned his ire on Rializa's mother, Lilian Trabel, whom he struck on the ear with a kitchen knife although the latter was able to evade further harm by seeking refuge inside her house. Lilian survived the attack, but Rializa and Lorelie died even before they could receive medical attention.

Accused Manuel Gutierrez was arrested a few hours after the carnage and was accordingly charged with double murder for the death of Lorelie dela Cruz and Rializa Trabel and with attempted murder for the wounding of Lilian Trabel.

The accused initially entered a plea of "Not Guilty" but after the prosecution had presented its first witness, he changed his plea to "Guilty." Before accepting his plea of guilt, the trial court inquired whether he understood fully the meaning of his plea of guilt and the consequences thereof. After convincing the court that he understood his plea of guilt and its consequences, the accused maintained his plea of guilt explaining that he desperately wanted to give his relatives serenity and peace of mind. Thus the trial court continued with the reception of the evidence for the prosecution to determine the proper imposable penalty.

Lilian Trabel narrated in between sobs how her daughter Rializa was stabbed to death by the accused Manuel Gutierrez. She said that Rializa was roused from her sleep upon hearing some noise from a neighbor's house and then darted through her main door. She followed Rializa but as they were about to step out of the house they were met by the accused who was already in a belligerent mood. Without saying a word the accused suddenly stabbed Rializa who could only shout "*Jojo, huwag!*" Thereupon, the accused turned his wrath on her and stabbed her on the head with a kitchen knife. Then she ran back to her house and locked the door for

safety. Once inside, she kept calling out for her daughter Rializa but she did not get any response.

Thereafter, accused Manuel Gutierrez was convicted of two (2) counts of murder and one (1) count of serious physical injuries. The court *a quo* appreciated the presence of treachery as Lorelie was assaulted from behind with the accused holding on to her hair. Considering that the assault happened within the victim's own house, the trial court opined that there was every reason to believe that it was sudden and unexpected. Treachery was likewise found to have attended the killing of Rializa since it was made upon an unsuspecting victim who did not have any opportunity to defend herself or to avoid the attack. On the other hand, for the assault on Lilian Trabel, the trial court held the accused liable only for serious physical injuries as her wounds required only a month to heal.<sup>[1]</sup>

Consequently, the accused was sentenced twice to suffer the penalty of death for the killing of Lorelie dela Cruz and Rializa Trabel, and to an indeterminate prison term of four (4) months of *arresto mayor* as minimum to two (2) years and four (4) months of *prision correccional* as maximum for the attack upon Lilian Trabel resulting in serious physical injuries. The accused was further ordered to indemnify the heirs of Lorelie dela Cruz and Rializa Trabel P100,000.00 and Lilian Trabel P5,000.00 as actual damages.

These cases were elevated to us on automatic review in view of the penalty of death imposed twice upon the accused by the court *a quo*.

The accused does not deny his guilt. He faults the trial court for appreciating the qualifying circumstance of treachery in the killing of Lorelie and Rializa. He insists that insofar as the stabbing of Lorelie is concerned, Venus Ramos admittedly did not witness the commencement of the attack thus defeating the prosecution's bid to establish treachery as an aggravating circumstance. The accused also argues that treachery cannot be appreciated in the killing of Rializa as the evidence shows that the assault upon her was thought of only seconds after the killing frenzy.

On the part of the government, the Solicitor General asserts that a plea of guilt amounts to a judicial confession of all the material facts alleged in the *Information*, and by pleading guilty to the charges alleged in the *Information*, the accused admits not only the commission of the crime but also the attendant aggravating circumstances alleged therein. Thus, the accused cannot now be heard to complain that the trial court wrongly appreciated treachery in convicting him of two (2) counts of murder.

The Solicitor General's argument is already passé. We are reminded of *People v. Derilo*<sup>[2]</sup> where after enumerating the perils posed by the rule equating a guilty plea with an admission of all the aggravating circumstances alleged in the *Information*, we categorically stated that a formal plea of guilt was insufficient to sustain a conviction of the aggravated crime charged in the *Information*. We ratiocinated that it happens not infrequently that upon arraignment the accused pleads guilty to the commission of an offense qualified by aggravating circumstances, when in truth his intention was merely to admit that he committed the act charged in the complaint without an understanding of the aggravating circumstances. It is highly unreasonable to assume that an accused, untutored in the ways of the judicial system, would fully comprehend the allegation that the aggravating circumstances of treachery and evident premeditation attended the commission of the crimes

inasmuch as treachery is a highly technical term the juridical meaning of which is beyond the understanding not only of the illiterates but even those who, being educated, are not lawyers.<sup>[3]</sup>

Too, it should no longer be assumed that the profession of guilt includes an admission of the attending circumstances alleged in the *Information* considering that Sec. 3, Rule 116, of the *Rules of Court* mandates the presentation of evidence in capital offenses where the accused has entered a plea of guilty. This rule would be rendered nugatory if we were to determine the liability of the accused for an aggravated crime based on the dubious strength of a presumptive rule. Thus, although the accused herein pleaded guilty to the charges alleged in the three (3) separate *Informations*, treachery may not be taken against him if the evidence presented by the prosecution failed to adequately establish its existence. Hence, the primordial issue to be resolved now is whether the assaults perpetrated by the accused were attended with treachery.

To sustain a finding of treachery, two (2) conditions must be established: (a) the means, method and form of execution employed by the accused gave the victim no opportunity to defend himself or to retaliate; and, (b) such means, method or form of execution was deliberately and consciously adopted by the accused to eliminate or diminish the risk to his person from any defense which the party attacked might offer.<sup>[4]</sup> Treachery may not simply be deduced from presumptions as it is necessary that its elements be fully established as the crime itself.

In the instant case, however, we are not prepared to rule that treachery attended the killing of Lorelie de la Cruz. As borne out by the records, prosecution witness Venus Ramos did not actually see how the stabbing began, how it developed, and how the unfortunate victim succumbed to death on the second floor of the ancestral house. Venus witnessed only a portion of the assault, so that she would be unable to paint an accurate picture of the killing. We have consistently ruled that absent any particulars as to the manner with which the aggression was commenced, or how the act that resulted in the death of the victim unfolded, treachery cannot be appreciated.<sup>[5]</sup> Thus, no matter how truthful the suppositions offered by Venus appear, they do not, as they cannot produce the effect of aggravating the liability of the accused.

Treachery likewise was not attendant in the killing of Rializa. The attendant circumstances indicate that the attack on Rializa was the result of a rash and impetuous impulse rather than of a deliberate, conscious and willful act. We have ruled in a catena of cases that where the meeting between the accused and the victim was casual and the attack was done impulsively or devoid of any plan, there can be no treachery even if the attack was sudden and unexpected. In treachery, the mode of attack must not spring from the unexpected turn of events but must have been deliberately thought of by the offender.<sup>[6]</sup>

As the meeting between the accused and Rializa was purely accidental, and in the absence of proof of any evil motive, it becomes obvious that the accused had no opportunity to plan the killing, much less map the strategy with which to implement it. No evidence on record supports the theory that he had previously decided to kill Rializa. There is even no proof that he purposely sought her out, much less that he had even any motive aforethought preceding the perpetration of the crime.