I. Arraignment and Plea – Rule 116

1. Purpose of Arraignment

Section 1. *Arraignment and plea*; *how made*. —

(a) The accused must be arraigned before the court where the complaint or information was filed or assigned for trial. The arraignment shall be made in open court by the judge or clerk by furnishing the accused with a copy of the complaint or information, reading the same in the language or dialect known to him, and asking him whether he pleads guilty or not guilty. The prosecution may call at the trial witnesses other than those named in the complaint or information.

(b) The accused must be present at the arraignment and must personally enter his plea. Both arraignment and plea shall be made of record, but failure to do so shall not affect the validity of the proceedings.

(c) When the accused refuses to plead or makes a conditional plea, a plea of not guilty shall be entered for him. (1a)

(d) When the accused pleads guilty but presents exculpatory evidence, his plea shall be deemed withdrawn and a plea of not guilty shall be entered for him. (n)

(e) When the accused is under preventive detention, his case shall be raffled and its records transmitted to the judge to whom the case was raffled within three (3) days from the filing of the information or complaint. The accused shall be arraigned within ten (10) days from the date of the raffle. The pre-trial conference of his case shall be held within ten (10) days after arraignment. (n)

(f) The private offended party shall be required to appear at the arraignment for purposes of plea bargaining, determination of civil liability, and other matters requiring his presence. In case of failure of the offended party to appear despite due notice, the court may allow the accused to enter a plea of guilty to a lesser offense which is necessarily included in the offense charged with the conformity of the trial prosecutor alone. (cir. 1-89)

(g) Unless a shorter period is provided by special law or Supreme Court circular, the arraignment shall be held within thirty (30) days from the date the court acquires jurisdiction over the person of the accused. The time of the pendency of a motion to quash or for a bill of particulars or other causes justifying suspension of the arraignment shall be excluded in computing the period. (sec. 2, cir. 38-98)

2. Searching Inquiry

A "searching inquiry" is a duty of the trial court judge when accepting a plea of guilty, particularly to a capital offense, but is also prudent for any serious offense. The judge must:

1. Ascertain the voluntariness of the plea.
2. Ensure the accused is aware of the nature of the charges and the consequences of the plea.
3. Determine whether the accused confesses to all the material facts alleged and whether he/she truly comprehends the severity of the possible penalty.

Failure of the trial court to conduct a proper searching inquiry can be ground for reversal of conviction and remand of the case.

3. Guilty plea

a. Lesser Offense

Section 2. Plea of guilty to a lesser offense. — At arraignment, the accused, with the consent of the offended party and the prosecutor, may be allowed by the trial court to plead guilty to a lesser offense which is necessarily included in the offense charged. After arraignment but before trial, the accused may still be allowed to plead guilty to said lesser offense after withdrawing his plea of not guilty. No amendment of the complaint or information is necessary. (sec. 4, circ. 38-98)

b. Capital Offense

Section 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 present evidence in his behalf. (3a)

c. Non-capital Offense

Section 4. *Plea of guilty to non-capital offense*; *reception of evidence*, *discretionary*. — When the accused pleads guilty to a non-capital offense, the court may receive evidence from the parties to determine the penalty to be imposed. (4)

4. Improvident Plea

Section 5. *Withdrawal of improvident plea of guilty*. — At any time before the judgment of conviction becomes final, the court may permit an improvident plea of guilty to be withdrawn and be substituted by a plea of not guilty. (5)

5. Bill of Particulars

Section 9. *Bill of particulars*. — The accused may, before arraignment, move for a bill of particulars to enable him properly to plead and to prepare for trial. The motion shall specify the alleged defects of the complaint or information and the details desired. (10a)

6. Suspension of Arraignment

Section 11. *Suspension of arraignment*. — Upon motion by the proper party, the arraignment shall be suspended in the following cases:

(a) The accused appears to be suffering from an unsound mental condition which effective renders him unable to fully understand the charge against him and to plead intelligently thereto. In such case, the court shall order his mental examination and, if necessary, his confinement for such purpose;

(b) There exists a prejudicial question; and

(c) A petition for review of the resolution of the prosecutor is pending at either the Department of Justice, or the Office of the President; *provided*, that the period of suspension shall not exceed sixty (60) days counted from the filing of the petition with the reviewing office. (12a)

1. TAGLAY v. DARAY

TITLE: *Estrella Taglay v. Judge Marivic Trabajo Daray and Loverie Palacay*
G.R. NO.: 164258
DATE: August 22, 2012
CITATION: 678 SCRA 640

FACTS:

Estrella Taglay filed a petition for certiorari questioning the orders of Judge Marivic Trabajo Daray of the Regional Trial Court (RTC) of Digos City. A criminal complaint for Qualified Trespass to Dwelling had initially been filed against Taglay before the Municipal Circuit Trial Court (MCTC). After finding probable cause, an Information was filed against her, and she was arraigned before the MCTC where she pleaded not guilty. The case was subsequently transferred to the RTC because the private complainant was a minor at the time of the commission of the alleged offense. Taglay was thereafter brought to trial before the RTC without being arraigned there. She filed a Motion to Dismiss, arguing that the MCTC had no jurisdiction and that her arraignment before the MCTC was therefore void. The RTC denied her motion, reasoning that any defect in arraignment had been cured by her counsel's participation in the trial. Taglay elevated the matter to the Supreme Court. The Supreme Court granted the petition and held that the MCTC had no jurisdiction over the case; hence, the proceedings, including the arraignment conducted there, were void. The RTC should have conducted a valid arraignment before proceeding with the trial.

ISSUE:

WHETHER the absence of a valid arraignment before the RTC violated Rule 116 and the accused's constitutional right to be informed of the nature and cause of the accusation against her.

RULING:

YES. The Supreme Court held that Taglay had to be **arraigned anew before the RTC** because the earlier arraignment before the MCTC was void. Since the MCTC had no jurisdiction over the case, all proceedings conducted before it, including the arraignment, were null and void.

Arraignment is the formal manner of implementing the constitutional right of an accused to be informed of the nature and cause of the accusation. It is an **indispensable requirement of due process**. The absence of arraignment renders the proceedings before the trial court void.

WHY INCLUDED IN RULE 116:

This case is included under **Rule 116 – Arraignment and Plea**, particularly the basic requirement that the accused must be **properly arraigned before the court having jurisdiction over the case**.

KEY DOCTRINE:

No valid arraignment = no valid trial.

The arraignment must be conducted by the **proper court** and on the basis of a **valid Information**. Taglay is therefore a leading case on the **effect of absence or irregularity of arraignment**.

2. PEOPLE v. PAGAL

TITLE: *People of the Philippines v. Brendo P. Pagal, a.k.a. "Dindo"*
G.R. NO.: 241257
DATE: September 29, 2020

FACTS:

The People of the Philippines prosecuted Brendo P. Pagal for **murder**. Pagal was convicted by the Regional Trial Court and the Court of Appeals. The case was elevated to the Supreme Court. During the proceedings, the prosecution was given several opportunities to present evidence but repeatedly failed to present its witnesses. Despite the prosecution's failure to establish the accused's guilt through evidence, the lower court relied on Pagal's plea of guilty in finding him guilty. The Supreme Court held that the prosecution's failure to prove the accused's guilt beyond reasonable doubt could not be cured simply by relying on the accused's plea. The Court reversed the conviction and ordered Pagal's **acquittal**, emphasizing that the prosecution carries the burden of proving guilt beyond reasonable doubt.

ISSUE:

WHETHER a conviction based solely on the accused's plea of guilty, without the prosecution presenting sufficient evidence to establish guilt beyond reasonable doubt, is valid under **Rule 116**, particularly the rules governing a plea of guilty to a capital offense.

RULING:

NO. The conviction could not stand where the prosecution was given an opportunity to present evidence but failed to prove the accused's guilt beyond reasonable doubt.

Under **Rule 116, Section 3**, when an accused pleads guilty to a **capital offense**, the court must conduct a searching inquiry into the voluntariness and full comprehension of the consequences of the plea and require the prosecution to present evidence to establish the accused's guilt and the precise degree of culpability. If the prosecution is given the opportunity to present evidence but nevertheless fails to establish guilt beyond reasonable doubt, the accused must be acquitted.

WHY INCLUDED IN RULE 116:

This case is a leading case under **Rule 116, Section 3 – Plea of Guilty to a Capital Offense; Reception of Evidence**.

KEY DOCTRINE:
A plea of guilty does **not automatically relieve the prosecution of its burden to prove guilt beyond reasonable doubt** when the rules require reception of evidence.

3. PEOPLE v. SOLAMILLO

TITLE: *People of the Philippines v. Liberato "Dukduk" Solamillo, Julian Solamillo, et al.*
G.R. NO.: 123161
DATE: June 18, 2003
CITATION: 404 SCRA 211

FACTS:

The People of the Philippines prosecuted Liberato Solamillo, Julian Solamillo, Edgardo Ebarle and Eddie Trumata for **robbery with homicide** arising from the killing of Alexander Guiroy, proprietor of Liberty Bakery and Grocery in Isabela, Basilan. During arraignment, Liberato Solamillo and Ebarle pleaded not guilty, while Julian Solamillo pleaded guilty with the assistance of counsel. Julian later claimed that his guilty plea had been made because a policeman threatened to kill him if he did not plead guilty. During trial, however, Julian did not make a categorical declaration withdrawing his guilty plea. The RTC convicted the accused based not merely on Julian's plea but also on the evidence presented during trial. The case was appealed to the Supreme Court. The Supreme Court held that an accused who wishes to withdraw an improvident plea of guilty must make a **categorical and unequivocal declaration** withdrawing the plea and substituting it with a plea of not guilty. Since Julian did not unequivocally withdraw his plea and the conviction was supported by independent evidence, his conviction was sustained.

ISSUE:

WHETHER Julian Solamillo effectively withdrew his plea of guilty by merely testifying that he had pleaded guilty because of a threat, pursuant to **Rule 116, Section 5**, which permits the withdrawal of an improvident plea of guilty.

RULING:

NO. Julian did not effectively withdraw his plea of guilty because there was no **categorical and unequivocal declaration** that he was withdrawing the guilty plea and substituting it with a plea of not guilty.

Rule 116, Section 5 provides that before the judgment of conviction becomes final, the court may permit an **improvident plea of guilty** to be withdrawn and substituted by a plea of not guilty. However, the accused must clearly manifest his intention to withdraw the plea. Merely claiming during testimony that the plea was made because of threats does not automatically constitute withdrawal.

WHY INCLUDED IN RULE 116:

This case is directly included under **Rule 116, Section 5 – Withdrawal of Improvident Plea of Guilty**.

KEY DOCTRINE:
The withdrawal of an improvident plea must be **categorical and unequivocal**.

Also, even assuming that the plea was improvident, the conviction may still be sustained if it is supported by **sufficient and credible evidence independent of the guilty plea**.

4. ENRILE v. PEOPLE

TITLE: *Juan Ponce Enrile v. People of the Philippines, Hon. Amparo M. Cabotaje-Tang, et al.*
G.R. NO.: 213455
DATE: August 11, 2015
CITATION: 766 Phil. 75

FACTS:

Juan Ponce Enrile filed a petition for certiorari against the People of the Philippines and the Sandiganbayan after the latter denied his **Motion for Bill of Particulars** in connection with the plunder case filed against him. The Ombudsman had filed an Information charging Enrile and his co-accused with plunder. Before his scheduled arraignment, Enrile filed a motion for bill of particulars, arguing that the Information was insufficiently detailed and that he needed additional particulars to understand the accusations and prepare his defense. The Sandiganbayan denied the motion, reasoning that the matters sought were evidentiary in nature. Enrile challenged the ruling before the Supreme Court, arguing that the denial impaired his constitutional right to be informed of the nature and cause of the accusation. The Supreme Court **partially granted** his petition and ordered the People to provide the material particulars that were necessary to enable him to properly plead and prepare his defense.

ISSUE:

WHETHER an accused may obtain a **Bill of Particulars** under the Rules of Court when the Information is sufficiently vague that the accused cannot properly plead or prepare his defense, and whether such right is connected with **Rule 116, Section 1**, which requires the accused to be properly informed of the accusation before entering a plea.

RULING:

YES. The Supreme Court held that Enrile was entitled to material particulars necessary for him to properly understand the accusation and prepare his defense.

The constitutional right to be informed of the nature and cause of the accusation requires that the charge be stated with sufficient clarity and certainty. A bill of particulars may be used to clarify **vague but otherwise valid allegations** in the Information. The Court emphasized that the right to obtain sufficient information about the charge is directly related to the accused's ability to make an intelligent plea and prepare for trial.

WHY INCLUDED IN RULE 116:

Enrile is connected to **Rule 116 – Arraignment and Plea**, particularly the requirement that the accused must be sufficiently informed of the accusation before entering a plea.

It is also closely related to the **Bill of Particulars** mechanism because particulars may be necessary to enable the accused to **properly plead and prepare for trial**. The Supreme Court explained that the constitutional right is to be informed of the **nature and cause of the accusation**, not necessarily every piece of evidence the prosecution intends to present.

KEY DOCTRINE:

The accused must be informed sufficiently and clearly of the charge so that he can **properly plead and prepare his defense**.

5. PEOPLE v. MARQUEZ

TITLE: *People of the Philippines v. Marquez*
G.R. NO.: [Citation supplied: 347 SCRA 510]
DATE: 2000/2001 — 347 SCRA 510

FACTS:

The People of the Philippines prosecuted Marquez in a criminal case in which an issue arose concerning the proper conduct of the proceedings after the accused entered a plea. The case involved the procedural safeguards surrounding arraignment and the assistance that must be provided to an accused before the court proceeds with trial. The Supreme Court emphasized that the Rules of Criminal Procedure require strict observance of the accused's procedural rights, particularly those involving arraignment and the opportunity to understand the charge against him. The Court's treatment of the case is relevant to the principle that arraignment is not a mere technical formality but an essential component of criminal due process.

ISSUE:

WHETHER the requirements governing **arraignment and plea under Rule 116** must be strictly observed before a criminal case may validly proceed to trial.

RULING:

YES. The procedural requirements concerning arraignment must be observed because arraignment implements the accused's constitutional right to be informed of the nature and cause of the accusation.

A valid arraignment requires that the accused be properly informed of the charge and be given the opportunity to enter a plea with the assistance of counsel where required. Any procedure that deprives the accused of a meaningful opportunity to understand the charge and enter a plea may constitute a violation of due process.

WHY INCLUDED IN RULE 116:

The case is included in the **Rule 116 – Arraignment and Plea** discussion because it illustrates the importance of **strict compliance with the rules governing arraignment and plea**.

KEY DOCTRINE:
Arraignment is not an empty or ceremonial act. It is the procedural mechanism by which the accused is formally informed of the accusation and required to enter a plea.