

PEOPLE OF THE PHILIPPINES, PLAINTIFF, APPELLEE, VS. ANTONIO FAUSTO Y TOMAS, DEFENDANT AND APPELLANT.*G.R. No. L-16381. December 30, 1961*

Ponente: BARRERA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/530f03ec4d35/>**BARRERA, J.:**

Antonio Fausto y Tomas, appeals from the decision of the Court of First Instance of Manila (in Crim. Case No. 40937), convicting him of murder (qualified by evident premeditation) for the killing of Dr. Antonio Casal, and sentencing him to suffer the penalty of reclusion perpetua; to indemnify the deceased's heirs in the sum of P5,000.00; and to pay the costs.

The undisputed facts of the case are: At around 11:00 o'clock in the morning of August 7, 1957, Fernando Gonzales, while working as a bodeguero at the Pujalte Warehouse, situated at Pelaez and Balmes Streets, Manila, heard someone moaning. Thinking that it came from inside the warehouse, he looked for it there, but found nothing. He then went outside and there saw appellant stabbing Dr. Antonio Casal, who was lying with face up on the ground. Being unarmed, Gonzales rushed inside the bodega to get his night stick. At about the same time, Detective Benito Carasco of the Manila Police Department, who was then investigating one M. Santiago at St. Joseph Hospital located nearby, heard a nun calling for a policeman, at the same time pointing to the hospital's entrance. Responding to the call, he rushed out to the entrance and there saw appellant armed with a knife (Exh. G), shouting "Napatay ko siya" (referring to Dr. Antonio Casal). Drawing his pistol, Detective Garasco ordered appellant to drop the knife. After shouting once more napatay ko siya", appellant dropped the knife. Detective Carasco then approached appellant, arrested him, and picked up the knife. The victim, Dr. Casal, was sprawled on the ground, covered with blood.

Detective Carasco then told the nun to call a doctor, while he took appellant behind the hospital driveway, there they waited until an MPD mobile patrol car arrived. Thereafter, Detective Villarta, who investigated him by question and answer method (See Exh. E). Later, appellant was taken to the scene of the incident. There, with the aid of police officers, he re-enacted the commission of the crime. He pointed to the place (near a post at Balmes St.) where he sat waiting for Dr. Casal (Exh. F). He also demonstrated his position when he approached the victim, as the latter walked towards his car (Exh. F-2), as well as his position and that of the victim, after the latter fell to the ground (Exh. F-1).

The autopsy report (Exh. A) of Dr. Mariano B. de Lara, Chief MPD Medical Examiner, discloses that the deceased sustained 18 stab wounds, the fatal ones being those described in Nos. 6, 7, 8, 9, and 10 of said report and shown in the sketch (Exh. B) and the photographs (Exhs. D and D-1). According to the report, death was due to "profuse exsanguinating hemorrhage" and "shock due to multiple slashing stab wounds."

At the trial, the defense owned appellant's authorship of the crime. It claimed, however, that criminal liability, because before and on the occasion of the execution of the crime, he was insane. To establish insanity, the defense presented evidence showing that appellant was confined at the National Mental Hospital from June 27 to July 9,

1956, i.e., 1 year and 1 month before the crime was committed, during which period, he was observed and diagnosed as suffering from schizophrenia of the paranoid type (See Exhs. 1 to 3), but treatment was stopped when appellant was discharged against the advice of hospital authorities.

On October 28, 1958, the trial court, upon the defense's motion, ordered appellant's confinement at the National Mental Hospital, for observation and diagnosis. Appellant stayed in said hospital until March 9, 1959. Dr. Carlos Vicente, who attended to appellant in said hospital reported that appellant was suffering from schizophrenia with brain syndrome, and that said illness existed prior to, and after the commission of the crime in question (See Exh. 6).

The defense also presented the testimony of Fr. George Haggensburg, parish priest of Guimba, Nueva Ecija, regarding his impressions of appellant's mental condition, when the latter was employed as laborer by him in 1956, as well as the reasons for his letter (Exh. 5) sent to Dr. Francisco Santos of the Bureau of Hospitals.

Inasmuch as the defense is insanity, the only question to be determined in this appeal is, whether or not appellant was insane at the time of the commission of the crime charge.

As a rule, when a defendant in a criminal case interposes the defense of mental incapacity, the burden of establishing such fact rests upon him (U.S. vs. Martinez, 34 Phil. 305; U.S. vs. Hontiveros, 18 Phil. 62; people vs. Bascos, 44 Phil. 204). The legal presumption is that a person who commits a crime is in his right mind (U.S. vs. Guevara, 27 Phil. 547; U.S. vs. Zamora, 32 Phil. 218), because the law presumes all acts and omissions punishable by law to be voluntary (Arts. 1 and 4[1]. Revised Penal Code), and if there is no sufficient or satisfactory evidence that the accused was mentally incapacitated when he committed the crime, the conclusion of fact must be the same presumption established by law, i.e., that he was in his right mind, and the conclusion of law must be that he is criminally liable. The primary inquiry is, whether there has been presented sufficient convincing evidence, direct or circumstantial, to a degree that satisfies the judicial mind insane at the time of the perpetration of the offense. In order to ascertain a person's mental condition at the time of the act, it is permissible to receive evidence of the condition of his mind a reasonable period both before and after that time (People vs. Bonoan, 64 Phil. 87).

After a careful and thorough examination and review of all the evidence presented in this case, we find, as did the trial court, that appellant was not mentally incapacitated when he committed the crime in question and is, therefore, criminally liable for the offense committed by him.

(1) It appears that appellant was confined at the National Mental Hospital, for a period of 13 days, from June 27 to July 9, 1956 (1 year, 1 month, and 2 days prior to the commission of the crime). He was not insane during said confinement. On this point, the trial judge made the following findings, to which we fully agree:

"Examining the evidence of record, we find first that the defendant had been confined in the National Mental Hospital for a period of 13 days from June 27 to July 9, 1956. According to the defense witnesses, the defendant was found then to be suffering from schizophrenia of the paranoid type. It is alleged that the defendant claimed hearing voices and having hallucinations. It will be observed that the defense witnesses presented to substantiate the alleged insanity are not alienists but psychiatrists. The Court, without the least intention of casting doubt on the knowledge or integrity of the witnesses who testified in this case, is inclined to doubt the diagnosis. Within such a limited period of 13 days, the Court doubts that proper and accurate diagnosis could have been arrived at, considering that in the case of mental disease, constant observation of the symptoms and behavior of the patient are necessary. That the patient claimed to have heard voices or having had hallucinations is certainly a difficult matter to ascertain or verify. One could easily feign moodiness, isolate himself from the other patients or inmates, and claim having heard voices or seeing people. On the other hand, the defense witness Dr. Leonida Mariano affirmed that in her first interview of the patient (the accused),

the latter, not only gave his full name, but also, the place where he came from, his civil status, and his employment at San Miguel Brewery, and that he was neat in appearance and coherent in his answers. In the second interview, the patient gave the full name of his wife and his children and his parents. He gave information about his age, the town and province of his birth, street and number of his residence in Manila, and gave the further statement that while there had been no tragic events in his family, he was, however, worried by the fact that his wage of P6.50 was not sufficient to feed and maintain his seven (7) children. The witness Dr. Mariano also affirmed that the answer given by the patient to her questions were coherent and relevant, showing that he was intelligent; that he greeted and recognized his wife on the several occasions that she visited him, and even asked her to secure his immediate discharge; and that he attended to his own physical needs. Considering the above testimony of Dr. Mariano, the Court is of the opinion that the accused, at the time of his first confinement in the National Mental Hospital, was not insane. In fact, in his statement, Exhibit E, the defendant, relating his first confinement, revealed that he did not want to go, but finally consented, because he was not Mentally ill. If the accused was insane then, it can hardly be expected of him to remember what had transpired then. The defense, to bolster its theory, also presented the testimony of Fr. George Haggensburg, parish priest of Guimba, Nueva Ecija. The witness affirmed that sometime in 1957, the defendant handed him a letter wherein he promised to give P30,000.00 if the witness would pray for him; that one day the defendant went to see him and told him a story that at first was unintelligible, but which during his conversation with the defendant, turned out that he wished to return to his job and needed a certificate. The fact that the defendant had promised P30,000.00, if the good father would pray for him, is not and cannot be considered, either by itself alone, or in conjunction with the fact of the confinement, as sufficiently indicative of the allegedly impaired mental condition of the defendant. The latter may have made such promise in a moment of religious excitement or fervor. And as to his story that at first was not understood by the priest, the latter himself admitted that it was due to the attempt of the defendant to convey his ideas in English, of which language, the defendant is not conversant. It should be borne in mind, that from the time the defendant was released from the National Mental Hospital in July 9, 1956, up to the date of the commission of the crime, he must have been in contact with many persons. Aside from the testimony of Fr. George Haggensburg, however, there is no other evidence in record showing that during that interval of time, the defendant had acted as one deprived of his reason. If he had been mentally deranged, certainly such a condition could not have escaped the persons, friends and strangers alike, his wife and members of his family."

(2) The findings of Dr. Carlos Vicente, who attended the appellant during his second confinement (by court order) at the National Mental Hospital, On October 31, 1958 (1 year, 2 months, and 24 days after the commission of the crime), do not indicate the defendant was deprived of reason. The trial court correctly observed:

"The defense also relies on the testimony of Dr. Carlos Vicente who took charge of the accused when he was confined in the National Mental Hospital on October 31, 1958, upon order of this court. But even accepting the findings of Dr. Vicente on their face value, the court is of the opinion that they do not support the theory of the defense that at the time of the commission of the crime, the accused was deprived of his reason. Aside from the fact that the findings of Dr. Vicente were made more than one year after the commission of the crime, it will be remembered that the accused has always been detained. During that period, was practically without contact with friends and relatives, he was troubled by his conscience and the realization of the gravity of the offense committed by him, plus the thought of the bleak future of his children. All these may have produced in the defendant morbid disposition and moodiness, that could have been interpreted as signs of mental illness. But the very report of Dr. Vicente clearly indicate that the accused was not mentally deranged. In fact, the two psychiatrists, Dr. Vicente and Dr. Mariano, affirmed that defendant's illness affected only his personality but not his brain."

(3) Appellant's signed statement (Exh. E, pp. 49-51, Records) taken by Detective Nemesio Villarta, barely 3 hours after the killing, clearly shows that appellant was mentally sound. In said statement, he narrated in detail how, after waiting for more than one year after his separation from his work at the San Miguel Brewery plant, he made

up his mind the day before the killing to see the victim (Dr. Casal) once more, this time either to get the certification (that he was mentally sane) or to kill him. He narrated how the following morning, he boarded a Pantranco ' Bus from Guimba, Nueva Ecija; that once in Manila, he boarded a taxi to the St. Joseph Hospital, where he knew the victim would be at the time visiting his patients; that he saw the victim's car parked and waited for the latter to come out; that as soon as the victim came out of the building, he approached him (victim) and made a last appeal that he be given the certification; that when the doctor refused and became angry with him, he decided then to kill him on the shoulder, pulling him towards himself (appellant), at the same time thrusting at him with the knife (Exh. G).

(4) Appellant's re-enactment of the crime at its scene only a few hours after he committed it, leaves no room for doubt as to his sanity, both during and after its (the crime) execution.

(5) Appellant had a strong motive to kill the deceased Dr. Casal, as he did. He was a laborer at the Magnolia Power Plant of the San Miguel Brewery, earning P6.50 a day. This was the sole support of his wife and 7 children. Then suddenly he found himself out of work and committed to the National Mental Hospital on June 27, 1956, at the instance of the deceased, Dr. Casal. Several entreaties by appellant after his release from said Hospital on July 9, 1956, and convince said deceased that he was well, and to give him the necessary certification pre-requisite to re-employment at said company, proved unavailing and futile. He, therefore, decided to liquidate the deceased whom he believed was the cause of his unemployment.

In the circumstances, we find appellant guilty, as did the trial court, of the crime of murder, qualified by evident premeditation (as he reflected or meditated on, and planned the killing, and pursued) his plan to a successful conclusion).[1] The Aggravating circumstance of treachery was present in the commission of the crime, as the attack on the deceased, although frontal, was too sudden and unexpected, giving the latter no chance to offer any defense whatsoever (People vs. Noble, 77 Phil. 93), but this is offset by the mitigating circumstance of voluntary surrender (People vs. Fontabla, 61 Phil. 589) and, therefore, cannot be taken into account for the purposes of aggravation or increase of the penalty.

Wherefore, the judgement of the court a quo is hereby affirmed in toto, with costs againsts the defendant-appellant.

So ordered.

Padilla, Bautista Angelo, Labrador, Concepcion, Reyes, J.B.L., Paredes, Dizon, and De Leon, JJ., concur.

[1] People vs. Dosal, 92 Phil., 877.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.