

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. RUCILA AMIT Y BUENA, DEFENDANT AND APPELLANT.

G.R. No. L-2060. February 15, 1949

Ponente: MONTEMAYOR, J.

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MONTEMAYOR, J.:

The appellant Rucila Amit y Buena accused of qualified theft in the Court of First Instance of Manila under the following information:

"That on or about the 21st day of December, 1947, in the City of Manila, Philippines, the said accused did then and there willfully, unlawfully and feloniously, with intent of gain and without the knowledge and consent of the owner thereof, take, steal and carry away the following:

12 dress, assorted valued at

P170.00

3 chemises valued at

6.00

1 coat valued at

7.00

7 pantis valued at

15.00

1 bathing suit valued at

8.00

2 blouses valued at

10.00

1 kerchief valued at

2.00

5 handkerchief valued at

1.00

1 towel valued at

1.50

"Total

P220.50

of the total value of P220.50, belonging to Enrique Esteban y Obando, to the damage and prejudice of said owner in the said sum of P220.50, Philippine currency.

"That the said accused acted with grave abuse of confidence in the commission of the said offense, she being at the time of the commission thereof a housegirl of the offended party and as such had free access to the stolen property."

At the arraignment she was assisted by a counsel and she pleaded guilty to the charge. Acting upon her plea of guilty the court found her guilty and sentenced her to not less than four (4) years, two (2) months and one (1) day of prision correccional and not more than eight (8) years and one (1) day of prision mayor and to pay the costs. Inasmuch as the property stolen had been recovered, and returned to the owner, no pronouncement was made as to indemnity. Her counsel filed a motion for new trial on the ground that from the investigation and observation he had made he was of the opinion that Rucila was suffering from some mental disorder; that she had assured him that she was innocent of the charge of which she was found guilty and convicted; that she did not know why she entered the plea of guilty, and that if she was given an opportunity she could establish her innocence. Said motion was denied by the trial court and the case was brought here on appeal.

In his brief, appellant's counsel renews the motion for new trial, alleging in support thereof the same grounds mentioned in the motion filed in and denied by the trial court, adding that appellant is suffering from the mental disease technically known as "word deafness". The Solicitor General objected to the granting of the motion for new trial on the ground that said motion was not supported by any affidavit or certificate of any alienist about the appellant's mental disorder, either here or in the lower court. Because of the seriousness of the offense and the relatively severe penalty imposed in the decision appealed from, and because of the plea of guilty entered in the lower court, which does not entirely preclude the possibility that said plea may have been entered without full comprehension and realization of its consequences by one said to be not completely sane, and desiring to do full justice to the appellant, this Court issued a resolution on November 26, 1948 which reads as follows:

"Considering the fact that the sole ground of appeal in L-2060, People vs. Rucila Amit y Buena, is the failure

and refusal of the trial Court to grant the motion for new trial founded on the mental state of the appellant at the time that she pleaded guilty upon arraignment; that in answer to the petition of appellant's counsel that she (appellant) said to be suffering from mental derangement, be transferred to the National Psychopathic Hospital 'for necessary and proper treatment,' the Solicitor General said that he would have no objection to said petition 'provided that the fact of defendant's mental alienation be ascertained by proper medical authority;' and considering further the relatively severe penalty involved in this case, it is hereby ordered that the Chief or Director of the National Psychopathic Hospital or any competent alienist designated by him, place the herein appellant under observation for a reasonable period of time, in order to verify the mental derangement, particularly the 'word deafness' from which she is supposed to be suffering, and if found to be suffering from said ailment, to determine how long she had been in that state,—if as far back as December 21, 1947, when the crime imputed to her was said to have been committed, or, on January 9, 1948, when she pleaded guilty upon arraignment, and to file a report with this Court at the earliest time possible. If it is necessary to transfer the appellant to said Hospital in order to make the necessary observation, that may be done. Counsel for the appellant and the Solicitor General, particularly the latter, may render any aid, necessary in the transfer of said appellant to the Hospital, and to the Director thereof in making his observation and preparing his report."

In pursuance to said resolution, the appellant Rucila was transferred from the Correctional Institution for Women where she was confined, to the National Psychopathic Hospital on December 18, 1948. In said hospital she was placed under observation by medical experts for about a month and the Chief of said hospital has now filed the corresponding report dated January 24, 1949 signed by Dr. Cristeta V. Fulgencio, Chief Psychiatrist, Female Service, NPH, and Dr. Toribio Joson, Chief, Clinical Service, NPH. From said report which appears to be quite comprehensive and adequate we gather that although Rucila, born 26 years ago of poor parents, may have been a little unfortunate as regards family support, environment and opportunities for self-improvement, nevertheless, she was quite normal mentally, even bright and above the average in intelligence. In school she was accelerated one grade and she finished the sixth grade. But she was rather weak in character and morals and a little abnormal in behavior. Without the benefit of marriage she cohabited, first with a chauffeur from 1939 to 1943 when he abandoned her to marry another woman. Then she cohabited with a soldier by whom she had a child, but they separated in 1945 because of incompatibility. Thereafter, she met her first lover, and by him she had a child after whose birth he again left her. Instead of staying at home and attending to her children as a loving and dutiful mother, sometimes she would go and stay with some of her friends for a day or two. But mentally she was alert, smart and business minded, and engaged in buying and selling things, making profit therefrom. We are reproducing a portion of the report already mentioned so as to give better insight and a more adequate comprehension of the character and mental condition of the appellant.

"Interview with this woman (Enriqueta Esteban) reveals that Rucila was hired as a housemaid by a member of the household (152 Isarog, Q. C.) in December, 1947. The night she was hired (about midnight) Esteban was awakened by a police accompanying Rucila, who apparently left the house bringing a box of assorted dresses belonging to Esteban. The three went to the police station, where Rucila admitted that she took the clothes, which were all accounted for, and returned to the owner.

"A record of arrest of Rucila reveals that she was apprehended and arrested on the night of December 21, 1947 in front of 390 Blumentritt street, that Rucila admitted having taken assorted clothings valued at P220.50, while the members of the household were asleep. Rucila admitted this also in a signed statement duly witnessed.

"Records of the arraignment of Rucila at the Court of 1st Instance in Criminal Case No. 5270 on January 9, 1947 reveals that Rucila who was duly represented by counsel entered a plea of guilty of having stolen, while being a housegirl of Enriqueta Esteban, personal property to the total value of P220.50, committed in the city on December 21, 1947. Rucila was sentenced to 4 years, 2 months, and one day of prison correccional to 8 years and one day of prison mayor. She was committed to the Correctional Institution for women on January 9,

1948.

"Records taken of the behavior of Rucila during her stay at the Correctional Institution from January 1943 to December 1943 reveals that Rucila had been behaving normally, that she was assigned to the different institutional activities, and she had been doing excellent work.

"Rucila was transferred to the National Psychopathic Hospital on December 18, 1948.

MENTAL STATUS:

"On admission to the National Psychopathic Hospital, Rucila was well behaved, cooperative, coherent and relevant in her speech, well oriented in all spheres. No hallucinations or delusions elicited.

"During one-month period of observation in the hospital, Rucila had shown good behavior. She had always been cooperative, and observant of ward activities. At first the noise of the patients at night disturbed her sleep, but was able to adopt later. She is respectful to the personnel, and she attended to her needs and personal necessities. Her speech had always been coherent and relevant. She showed a fairly stable mood, and emotional reactions were adequate. There were no hallucinations or delusions, or reactions suggestive of bizarre trends. No compulsive or impulsive phenomena. She had always been well oriented in all spheres to date, place and person. She had always been in contact with the environment. Her memory is accurate and well preserved. She remembers all the incidents in her past life. She admits having been a housemaid to Enriqueta Esteban for a day, and that same night, December 20 or 21, 1947, she left the house taking with her a bundle of assorted dresses worth more than P200. That while walking along the streets, she was apprehended by a policeman, that she admitted to the policeman she took the clothings from the house of Esteban, where she worked as maid for that day only. That she was brought to the Bilibid Prison, and signed a written statement of her confession. Remembers she was kept at Bilibid till the day of her arraignment at Court of 1st Instance before Judge Peña, and there admitted her guilt also, and she was sentenced to prison for 4 years. Knows she was taken to the Correctional Institutional for Women on January 9, 1943.

"She has a good grasp of common current events and her mind is alert to mathematical operations. She has a good insight and judgment. Says that she deserved punishment for her crime, although she thinks it is too long. She says she is not insane, and she prefers to finish her term in prison rather than to stay at the National Psychopathic Hospital and that she would not act insane as she was counselled to do, because in the first place she is not crazy and in the second place, she would not want to be given injections and treatments if she acted crazy.

"PHYSICAL AND NEUROLOGICAL STATUS:

"There is a weakness of the external rectus of the right eye, resulting in convergent strabismus of same. There is no other abnormal physical or neurological findings.

"Laboratory examinations are essentially negative.

"CONCLUSIONS:

"From the above studies and findings, the undersigned and members of the Staff of the National Psychopathic Hospital are of the opinion that Rucila Amit y Buena is not psychotic and not suffering from 'word deafness'. That she was not psychotic, and did not suffer from "word deafness" during the commission of the crime on December 21, 1947, that she was not psychotic and did not suffer from 'word deafness' when she pleaded guilty upon arraignment on January 9, 1948.

"However, Rucila is suffering from a mild behavior disorder, as a consequence of the illness she had in early life, which most probably was an encephalitis, as evidenced by the development of squinting of the right eye and the somewhat truant behavior.

"DIAGNOSE:

"Without psychosis.

"Behavior Disorder, mild, post-encephalitic."

From the foregoing it is safe to conclude that when the appellant committed the crime of qualified theft and when she entered a plea of guilty to the charge during the trial she was in her right senses and mentally sane. According to the report, far from claiming insanity or mental derangement she positively asserts her sanity and responsibility. Although she is mentally sane, we however, are inclined to extend our sympathy to the appellant because of her misfortunes and her weak character. According to the report she is suffering from a mild behavior disorder as a consequence of the illness she had in early life. We are willing to regard this as a mitigating circumstance under article 13, Revised Penal Code, either paragraph 9 or 10 thereof which read as follows:

"9. Such illness of the offender as would diminish the exercise of the will-power of the offender without however depriving him of consciousness of his acts.

"10. And, finally, any other circumstance of a similar nature and analogous to those above mentioned."

After the Court had voted to grant her the benefit of this mitigating circumstance, we received a recommendation from the Solicitor General, dated February 1, 1949, saying that in view of the Report from the National Psychopathic Hospital—the same we have already alluded to, he recommends that the appellant be accorded the benefits of article 13, paragraph 9 of the Revised Penal Code, a recommendation which fully supports the findings and conclusions of this Court on this point.

Together with the plea of guilty, appellant has two mitigating circumstances in her favor without aggravating circumstance to off-set them, and under article 64, paragraph 5 of the Revised Penal Code, we hereby impose the penalty next lower to that prescribed by law. The penalty corresponding to qualified theft involving more than P200 is prision mayor in its medium, and maximum, degrees, according to article 309, paragraph 3 of the Revised Penal Code, in relation with article 310 of the same Code, as amended by Republic Act No. 120. The penalty next lower to it would, be prision correccional in its maximum, degree to prision mayor in its minimum degree. Applying the law on indeterminate sentence, the appellant is hereby sentenced to not less than one (1) year and one (1) day and not more than four (4) years, two (2) months and one (1) day of prision correccional, with the accessories of the law. She will be credited with any preventive imprisonment she has already suffered. With this modification, the decision appealed from is hereby affirmed, with costs. So ordered.

Moran, C.J., Paras, Feria, Pablo, Perfecto, Bengzon, Briones, Tuason, and Reyes, JJ., concur.

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