

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. LETICIA CAPITIN Y VARGAS, ACCUSED-APPELLANT.*G.R. No. L-49118. August 30, 1988*

Ponente: CRUZ, J.

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In this prosecution for parricide, the victim is not only the two-month child who was smothered to death but also the mother who was convicted of killing her. There is nothing we can do now for the unfortunate baby, but we can undo the injustice done to the mother who we feel was not responsible for her act.

Leticia Capitin, the herein accused, was a 22-year old housemaid with an illegitimate child. In the morning of December 10, 1975, she came down from her room with her baby in her arms and told her employer, Soledad Caparas, that the child was no longer breathing. Soledad's first impulse was to call a doctor but she found this would be useless as the baby was already dead. She then immediately reported the matter to the barangay captain who in turn informed the police. That same day, Leticia was investigated at the Western Police District headquarters, where she signed an extrajudicial confession. The infant was autopsied. On the basis of the police findings and after an ex parte preliminary investigation, Leticia was charged with parricide in the Court of First Instance of Manila.

Her arraignment was originally scheduled on December 19, 1975, but had to be postponed when it appeared that she was mentally disturbed and could not respond to the questions put to her. On January 14, 1976, taking into account her behavior and her record of mental imbalance as reported by her counsel de oficio, the trial court ordered her psychiatric examination. On April 7, 1976, Dr. Florante Reyes of the National Mental Hospital reported that Leticia was suffering from "schizophrenia manifested by behavioral abnormalities, withdrawal symptoms, dulling of the affect, and mental inaccessibility." [1] She was consequently, on April 28, 1976, ordered committed to the National Mental Hospital for treatment and in the meantime the case was suspended and archived. Two years later, on August 5, 1977, Dr. Reyes, through the Chief of the said hospital, informed the court that Leticia had sufficiently improved to stand trial. [2] Accordingly, her arraignment was scheduled again and held on December 10, 1977. As she said she did not understand the information, a plea of not guilty was entered for her. Trial then proceeded (even as she remained confined at the National Mental Hospital for continued treatment) and she was ultimately found guilty and sentenced to reclusion perpetua. [*]

Why she was tried while she was still a patient of the National Mental Hospital and apparently not yet in full possession of her mental faculties is one of the oddities of this case. There was really not that much urgency to continue the proceedings. Significantly, although the trial judge believed the physician who certified that she was sufficiently recovered to stand trial, he later disbelieved that same doctor's testimony that she was a schizophrenic at the time of the commission of the offense. It is also strange that, although the doctor considered her fit to defend herself at the trial, he nevertheless recommended her continued confinement as a mental patient for further treatment.

There is no dispute as to the cause of the child's death as reported by Dr. Alfredo Singian, chief medical examiner of the Western Police District, who conducted the autopsy. The baby was suffocated by the covering of her mouth and nostrils, where purplish contusions were found, suggesting deliberate force.[3] This would negate the rather feeble theory offered by the defense that the baby might have accidentally smothered on her pillow while in a prone position, assuming a 2-month old infant could already turn by itself.

The second witness for the prosecution was Soledad Caparas, who related the events of that morning of December 10, 1975, when the child was killed. On cross-examination, she declared that the accused was acting queerly even before the tragedy, often talking to herself and at times not answering when she was addressed. The witness declared further that Leticia became neglectful of her chores after the birth of the child because she had to attend to its care.[4]

The third witness for the prosecution was Pat. Manuel Flores, who investigated Leticia on the same day of the killing and took her written statement at the police headquarters. He said that no pressure of any kind was exerted on her, emphasizing that she was accompanied then by her father and Soledad Caparas. He observed that the accused was alternately crying and smiling and otherwise appeared abnormal but he took her statement just the same because her answers appeared to be intelligent. On cross-examination, he said he had advised her of her constitutional rights and began the investigation only after she had expressly waived her right to the assistance of counsel. He did not offer such assistance to her for free, however, from any of the government and private legal services available.[5]

The defense put the accused-appellant on the stand, obviously to bolster its claim that she was insane. When asked about the killing of her child, she consistently maintained she did not know or could not remember anything about it. Notably, the prosecution did not cross-examine. On interrogation by the judge, however, she gave responsive and detailed answers about her life and background, specifying her parents' names, her date of birth, her previous employments and their duration, the names and addresses of her former employers, and even the date of her arrival in Manila. Questioned about her baby, she started crying and when asked why replied she was thinking of her mother.[6]

The more telling evidence in her favor was the testimony of Dr. Florante Reyles, senior psychiatrist of the National Mental Hospital. Affirming his previous medical report on his observation of Leticia in the hospital, he described her as a schizophrenic, which he said meant she had a split personality that withdrew her from reality and rendered her incapable of understanding what she was doing. He declared that this condition could probably date back to about six months or one year before the death of the child and that the accused was suffering from the affliction when the tragedy happened. He also said that when she was first admitted to the National Mental Hospital on January 21, 1978, she was "quite disturbed and could not answer coherent questions." Asked if the schizophrenic might have lucid intervals, he said positively that "in schizophrenia, there is no such thing as a lucid interval." [7]

Analyzing the evidence for both parties, Judge Bernardo P. Fernandez rendered a well-written and erudite decision in which he ably expounded on the defense of insanity. There was no question to him that it was Leticia who had smothered the child and that she had both motive and opportunity. The defense itself had impliedly admitted the killing by pleading insanity in extenuation. Hence, the burden of proof had shifted from the prosecution to the defense, making it incumbent now upon the accused to prove, with definite and convincing evidence, that she was not in her right mind when she committed the crime. His conclusion was that she had failed to do so and should therefore be pronounced guilty.

The Court will not affirm.

To begin with, the record clearly shows that the testimony of Dr. Reyles remained entirely un rebutted by the prosecution. The credentials of the witness as a psychiatrist knowledgeable in the field of mental alienation were never challenged and so were deemed accepted by the prosecution. The duration and manner of her observation and the conclusion derived therefrom were not contested. The government presented no witness or documentary evidence to contradict the expert's finding that the accused was a schizophrenic at the time the killing was committed and as such was unaware of the nature and consequences of her deadly act. In fact, the cross-examination of this witness only strengthened even more his testimony in chief with the following exchange:

"Q.

So that it is possible that on the morning of December 10, 1975, the accused herein was suffering already from schizophrenia?

"A. Yes, sir." [8]

The trial judge chose to disregard this evidence, holding it did not sufficiently show that Leticia was insane at the precise time of the commission of the offense in 1975. He dismissed the psychiatrist's findings because they were made one month after the tragedy, [9] although he himself, in arriving at his own contrary conclusion, based it *inter alia* on his examination of the accused made even much later, at the trial of the case on July 7, 1978. His interrogation of Leticia, he said, revealed she was completely sane because of her intelligent and even detailed responses, but he forgets that it was made three years after the incident in question and after she had undergone continuous treatment. Assuming she was already recovered during the trial (although she remained confined at the National Mental Hospital), this would not prove at all that she was not insane when the baby was killed in 1975. At any rate, an appraisal made three years later by the trial judge cannot be more accurate than one made after a continuous observation of the accused-appellant which began only one month after the occurrence of the offense and continued for all of three years. This examination was made by an expert mental alienist.

Much reliance was also placed on the extrajudicial confession [10] which, the trial court noted, contained "a coherent and logical account of what had happened" and was signed by the accused-appellant with a steady hand. The straightforward answers and the firm signature were added proof of her sanity at the time the statement was taken, which was on the same day the baby was killed. [11]

The trouble is that the confession was completely inadmissible because it was taken without observance of the safeguards provided by the Bill of Rights for the protection of the suspect facing custodial investigation. A reading of the supposed confession shows there was the usual mechanical advise of the suspect's rights, including the right to assistance of counsel, followed by the sacramental query as to whether or not she was waiving her right to such assistance, followed by the stereotyped answer so familiar in statements of this nature. As unacceptable as the question was, the answer thereto was no less so and could not have been possibly composed by the accused-appellant in her state of mind at the time and given her limited knowledge of Tagalog. Although she had lived all her life in Camarines Sur and had come to Manila only six months earlier, in June of that year, there was this remarkably fluent exchange between the investigator and Leticia that ran as follows:

"Tanong:

Ngayon, matapos mong malaman at maintindihan ang iyong mga karapatan na binanggit sa itaas, ikaw ba ay nahahanda pa ring magbigay ng isang malaya at kusang loob na salaysay at sagutin ng pawang katotohanan ang lahat ng itatanong sa iyo na hindi ka naman tinatakot o pinangangakuan ng anumang pabuya?

"Sagot:

Matapos akong mapagsabihan ng aking mga karapatan at naintindihan ko ang mga ito ako ngayon ay nagsasabi na hindi ko na kailangan ang abogado at ako ay nahahandang sumagot sa anumang itatanong sa akin at lubusang magbibigay sa inyo ng isang malaya at kusang loob ng salaysay na hindi ako tinatakot, pinipilit o pinangangakuan ng anumang pabuya."[**]

It is not believable that the organized and ready answer, with all its legal overtones to boot, could have come from this 22-year old housemaid, who, on top of her deficiencies in the language (and the law), was presumably not thinking clearly then (even assuming she was sane) because she had just killed her child and was under strong emotional stress.

Under the Galit doctrine[12] as now embodied (and even strengthened) in Article III, Section 12(1) of the 1987 Constitution, the written waiver of the right to counsel must be made with the assistance and in the presence of counsel. This was not done in the case at bar, as the statement itself plainly discloses. It is recalled that even before that doctrine was formally announced, our earlier decisions had already required that the waiver be made intelligently, after proper notification of his rights to the suspect, with full understanding by him of the effects of such waiver.[13] Assuming such valid waiver, we have also insisted that the confession itself be understandable to the person signing it, both as to its language and its contents, and must not have been simply prepared beforehand, details and all, for the suspect's signature.[14]

If we have outlawed confessions written in advance by the police for persons of limited intelligence or educational attainment, we see no reason why a confession signed by a person whose sanity is dubious, as in the present case, should receive any less disapprobation. Leticia's intelligence was not only limited but impaired.

As for the motive, the trial court conjectured that Leticia's illicit liaison with the father of her child led her to kill it and "thereby hopefully salvage her honor."[*]**] It is the better policy, if we are to make any conjecture at all, to incline toward the argument of the defense that Leticia lost her honor as early as when she could no longer conceal her pregnancy and had since then been inured to her shame; hence, it was no longer necessary to conceal or redeem it by murdering her innocent child. Moreover, she appeared to be attached to the baby, for which, in fact, according to her employer, she neglected her duties as a housemaid. It should also be added that, if we are to indulge in presumptions, what we should presume is not that Leticia deliberately snuffed out her daughter's life, which was an unnatural thing to do, but that as a mother, like most mothers, she naturally loved the flesh of her flesh.

Despite Judge Fernandez's scholarly discussion of insanity as a defense, the Court feels that the accused-appellant has successfully shifted the burden of proof back to the prosecution, which was thus obligated to refute the evidence for the defense. In other words, going back to the normal procedure, it had to prove the defendant's guilt beyond reasonable doubt and overcome the constitutional presumption of innocence in her favor. The prosecution has failed to do this. It has not erased the doubt that Leticia might not really have understood what she was doing when she smothered the child born of her womb whom she apparently loved. Against the expert opinion of the psychiatrist who began examining and observing Leticia days after the incident in question, it has offered no more than an invalid confession, conclusions based on her account three years after the child was killed in 1975, and pure conjectures about her motive for her unnatural act. Surely, these flimsy premises cannot suffice to support this unfortunate woman's conviction. No wonder that even the brief for the appellee was obviously half-hearted, substantially only a repetition and reproduction of the findings of the trial court, and with hardly a word in support of the decision.[15]

What prompted Leticia to kill the helpless child is a mystery the Court will not attempt to fathom. It is enough to

know, as the evidence reveals, that the hands that choked the victim were not moved by an evil mind.

When this case was calendared for deliberation, the Court inquired about the present whereabouts of the accused-appellant and was informed that she remained confined at the National Mental Hospital since her commitment on January 21, 1976 until her discharge therefrom in 1984, for transfer to the Women's Correctional Institute. The prisoner is reported to be sickly and will probably be taken back to the National Mental Hospital for further treatment.

WHEREFORE, the appealed decision is REVERSED and the accused-appellant is ACQUITTED by reason of insanity. Let the prisoner be released from the Women's Correctional Institute and recommitted to the National Mental Hospital, there to remain until it is duly certified that she is completely cured or is otherwise fit to be discharged.

SO ORDERED.

Narvasa, Griño-Aquino, and Medialdea, JJ., concur.
Gancayco, J., on leave.

[1] Orig. Rec., p. 26.

[2] Ibid., p. 44.

[*] Decision, Rollo, p. 3.

[3] Exh. "A."

[4] TSN, Jan. 16, 1977, pp. 4-5.

[5] TSN, Feb. 27, 1978, pp. 8-11.

[6] TSN, July 7, 1978, pp. 5-9.

[7] TSN, June 28, 1978, pp. 2-5.

[8] Ibid., p. 5.

[9] Orig. Rec., p. 136.

[10] Exh. "C."

[11] Orig. Rec., p. 132.

[**] Exh. "C."

[12] 135 SCRA 465.

[13] Magtoto v. Manguera, 63 SCRA 4; People v. Jimenez, 71 SCRA 186; People v. Caguioa, 95 SCRA 2; People v. Tafalia, 96 SCRA 861; People v. Dilao, 100 SCRA 359; People v. Duero, 104 SCRA 379; People v. Pascual, 109 SCRA 197; Galman v. Pamaran, 138 SCRA 294.

[14] People v. Tiongson, 6 SCRA 431; People v. Robles, 92 SCRA 107; People v. Inguito, 117 SCRA 641; People v. Ramos, 122 SCRA 312.

[***] Decision, p. 5, Rollo, p. 7.

[15] Rollo, p. 84.

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