

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. REMIGIO CRUZ, DEFENDANT AND APPELLANT.***G.R. Nos. L-13219-20. August 31, 1960*

Ponente: PARAS, C.J.

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The accused was indicted in the Court of First Instance of Nueva Ecija under two separate informations for and was convicted of the crimes of parricide and frustrated murder. He was sentenced to reclusion perpetua for parricide and to an indeterminate penalty of from 2 years, 4 months and 1 day, prision correccional, to 8 years, prision mayor, for frustrated murder, with the accessories of the law, to indemnify the heirs of Natividad Concepcion in the amount of P6,000.00 and of Anita Concepcion in the sum of P2,000.00, and to pay the costs. The accused has appealed.

The appellant was married to Natividad Concepcion in March, 1953. They lived in Manila in the house of Natividad's parents. A daughter was born to them the following year. In 1954 Natividad separated from the appellant allegedly because he used to beat her up. Reconciled sometime thereafter, they lived again together. In 1955 she once more left the conjugal abode and stayed with her parents in Cabanatuan City. Again he was able to convince her to live with him.

In the first week of June, 1956, the appellant brought his wife and sick daughter to his parent's home in Sta. Rita, Pampanga. He looked dirty, his eyes were sunken and he complained of headaches. On arriving in said place, he fetched a physician, a certain Dr. Lising (a boyhood friend), to treat his daughter. When he returned with the doctor, he found that his wife and daughter had left for Cabanatuan City. He was so enraged that he slashed with a bolo a jar of sugar.

On June 9, 1956, the appellant followed his wife and daughter to Cabanatuan City in her parents' home. He tried to convince her to return to Manila with him. He even solicited the help of his father-in-law. From June 9 to 11, 1956, the appellant helped in the household chores, was polite to his parents-in-law and was attentive to his daughter.

At about eight o'clock in the evening of June 11, 1956, appellant's father-in-law, a policeman, reported to work at the city public market. The sisters of Natividad, Lourdes and Anita, went upstairs to sleep, leaving on the ground floor Natividad who was sewing and the appellant who was reading a copy of the Reader's Digest. At about midnight, Anita and Lourdes were awakened by the sound of banging on the wall and shattering of chinaware below. Rushing down, they saw the appellant and Natividad talking by the kitchen door with the former holding a bolo. When Anita was about to approach the couple, the appellant started hacking his wife with the bolo. Anita and Lourdes ran out and called for help, particularly intending to summon their uncle, Daniel Cabunta, who lived about one and one-half meters away. The appellant chased them and overtook Anita whom he hacked on the head with the bolo until she lost consciousness.

Daniel was awakened and, upon looking out of his window, saw the appellant hacking Anita with the bolo. He

went down and told the appellant to stop. The latter swung his bolo at him. Daniel parried the blow and was able to wrest away the bolo. The appellant ran towards the City Hall, while Daniel who was in pursuit, shouted for a policeman to stop the former.

Policeman Pedro Villanueva heard the call and intercepted the appellant. When asked why he was running, the appellant told the policeman that he was very much aggrieved. The policeman locked the appellant in jail and investigated the scene of the crimes.

The appellant first contends that, assuming that he was mentally fit at the time of the killing, he should not have been convicted of the crime of parricide because his marriage to Natividad was not proved in accordance with the best evidence rule. The best proof is of course the marriage certificate. In the case at bar, however, the oral evidence presented to prove the fact of marriage was not objected to and may therefore be properly considered by the court.[1]

The second error assigned by the appellant and directed against the finding of treachery in the crime committed against Anita Concepcion, is without foundation. There is clear proof that appellant's assault was sudden and unexpected, thus insuring the execution of the crime without danger to him. The evidence shows that, when Anita saw the appellant hack her sister, she ran out of the house and cried for help while the appellant chased her and, upon overtaking her, struck her on the head.

Under the third assignment of error, it is argued that the appellant was insane and deprived of reason and will at the time of the commission of the acts in questions; and the following consideration are invoked:

- For having stowed away in one of the ships of the American President Lines, the Immigration Service of Honolulu, Hawaii, committed him to the Queen's Hospital for observation; he was hospitalized on March 19, 1948, and discharged on April 17, 1948, as unimproved; the diagnosis was schizophrenia, paranoid type.
- On being deported to the Philippines, he was committed to the National Mental Hospital at Mandaluyong, Rizal, for schizophrenia on April 20, 1948, and after about twelve days of confinement was released on May 2, 1948, as mentally improved.
- Jacinto Cruz, father of the appellant, testified that one week before the killing, the appellant smashed a glass jar of sugar in his house in Sta. Rita, Pampanga, when he learned that his wife and child had left for Cabanatuan City.
- A few minutes before the appellant hacked to death his wife, he smashed plates, glasses and the like.
- The appellant attempted against the life of Anita Concepcion and turned against Daniel Cabunta without any motive.
- Between appellant's confinement in 1948 and his second confinement in 1956, no treatment was given to cure him. When released from the assylum in 1948, he was pronounced as only mentally improved (not recovered).

It is the policy and accepted standard of jurisprudence that the allegation of insanity or imbecility must be clearly proved. The law always presumes all acts to be voluntary, and it is thus improper to conclude that acts were executed unconsciously.[2] In order that insanity may be taken as an exempting circumstance, there must be complete deprivation of intelligence in the commission of the act, that the accused acted without the least discernment. Mere abnormality of his mental faculties does not exclude imputability.[3]

According to Marcelo Concepcion and Anita Concepcion, father-in-law and sister-in-law, respectively, of the appellant, before the commission of the offenses and during those days when the appellant stayed with them, he was polite to them, helped in household chores, washed dishes, read magazines (like the Reader's Digest) and at every opportunity pleaded with his wife to again live with him in Manila.

After the commission of the crimes, the appellant instinctively fled and, when intercepted and asked by policeman Pedro Villanueva why he was running, answered responsively that he was aggrieved. He surrendered himself to the policeman and was locked in jail.

Appellant, according to the report dated October 29, 1956, of Dr. Carlos Vicente, Psychiatrist of the National Mental Hospital, and Dr. J. M. Clarin, Chief, Male Service Department of the same hospital, was able to recount all the important events in his life between May 2, 1948, and June 11, 1956.

An overall appreciation of the relevant circumstances revealed in the record has led us to reject the plea of insanity. There is more indication of the passionate nature of the appellant, his tendency to violent fits when angry. Breaking glasses and smashing dishes are simply demonstrations of an explosive temper, not clear and satisfactory proof of insanity. He was not deprived of the consciousness of his acts. He was obfuscated by the refusal of his wife to live with him. He did not turn violent with the policeman who intercepted him and inquired why he was running. He answered to the policeman responsively and allowed himself to be led to jail.

The decision appealed from will therefore be, as it is hereby, affirmed with costs against appellant. So ordered.

Bengzon, Padilla, Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L., Barrera, Gutierrez David, Paredes, and Dizon, JJ., concur.

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[1] "A failure to object will render admissible a relevant evidence otherwise incompetent. The Court cannot on its own motion disregard evidence. \* \* courts will not disregard evidence not objected to, only because it should have been excluded had it been objected to. Evidence introduced without objection becomes property of the case. And all parties are amenable to any favorable or unfavorable effects resulting from the evidence." (See pp. 527-528, Vol. III, Moran's Comments on the Rules of Court.)

[2] and [3] *People vs. Formigone*, 87 Phil., 658; 48 Off. Gaz. 1774.

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