

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. MICHAEL CARANTO Y SOBLECHERO, ACCUSED-APPELLANT.

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MACALINO, J:

This is an Appeal on the Judgment[1] dated July 25, 2013 of the Regional Trial Court of San Carlos City, Pangasinan, Branch 57 finding accused-appellant Michael Caranto y Soblechero guilty of murder in Criminal Case No. SCC-4899. The dispositive portion of the assailed Decision reads:

“WHEREFORE, judgment is hereby rendered finding the accused GUILTY beyond reasonable doubt for the crime of murder as defined and penalized under Article 248 of the Revised Penal Code and he is hereby sentenced to suffer imprisonment of reclusion perpetua. Further, he is hereby directed to pay the heirs of the victim: 1) seventy-five thousand (P75,000.00) pesos as death indemnity; 2) seventy-five thousand (P75,000.00) pesos as moral damages; 3) ten thousand one hundred and thirty-five (P10,135.00) pesos for actual expenses incurred; 4) cost of this suit.

SO ORDERED.”

Facts of the Case

The First Assistant City Prosecutor of San Carlos City charged accused-appellant Michael Caranto y Soblechero (accused-appellant) of the crime of murder in an Information[2] dated May 21, 2007, the accusatory portion of which reads:

“That on or about the 5[th] day of April, 2007, at about 3:30 o'clock in the afternoon at San Carlos City, Pangasinan, Philippines and within the jurisdiction of the Honorable Court, the above-named accused with treachery, evident premeditation and intent to kill, did then and there, wilfully, unlawfully and feloniously stab ANACLETO SOBLECHERO, JR. inflicting upon him serious and mortal wound which caused ANACLETO SOBLECHERO'S instantaneous (sic) death to the damage and prejudice of the heirs of the victim.

Contrary to Article 248 of the Revised Penal Code.”

When arraigned, accused-appellant pleaded “Not Guilty” to the offense charged against him.[3]

On August 14, 2008, the pre-trial conference was terminated. The parties stipulated on the fact that Anacleto Soblechero, Jr.(Anacleto) is the uncle of accused-appellant, he being the brother of the mother of accused-appellant.[4] Thereafter, trial on the merits ensued.

The prosecution presented two witnesses, namely, Perla Soblechero and Gladys Soblechero in order to establish the following:

On April 5, 2007, Anacleto was at home making a kite.[5] Accused-appellant went there and asked Anacleto for coffee. Anacleto told him that there was no coffee in the house. Suddenly, accused-appellant pulled out a knife from his waist and stabbed Anacleto. Thereafter, accused-appellant ran at the back of Anacleto's house and fled.[6]

For its part, the defense presented Josefina Soblechero Caranto (Josefina), Mylene Caranto Muñoz (Mylene) and Dr. Beatriz Inumpa (Dr. Inumpa) in order to establish accused-appellant's defense of insanity. The witnesses made the following assertions:

In 2000, Josefina, accused-appellant's mother, brought him at Pangasinan Medical Center because "he was showing peculiar sign in his appearance." [7] He was eventually diagnosed of "paranoia schizophrenia" and was given oral medications, that included Haloperidol and Piperidine. [8]

On March 28, 2007, Josefina left for Sta. Barbara, Pangasinan. [9] Accused-appellant was violent. He drove Josefina away and even tried to burn their house. [10] He also hit Josefina, struck her with a pipe and was accusing her of poisoning him. On the day Josefina left their house, she gave accused-appellant his medicine but she did not see him take it. [11]

On April 4, 2007 at about 9:00 p.m., accused-appellant slept over in the house of his sister, Mylene. He and Mylene's husband Revilando, were supposed to work the following day. [12]

On April 5, 2007, at about 6:00 a.m, accused-appellant woke up and saw Revilando who just arrived from a wake. Accused-appellant told the latter, "I thought we are going to report for work?"; to which Revilando replied, "I will sleep bayaw (brother-in-law) because I haven't slept yet." Accused-appellant got angry and left Mylene's house. [13]

At around 9:00 a.m. of the same day, accused-appellant returned to Mylene's house and ate. When he left again, accused-appellant proceeded to the house of their neighbor to continue fencing his yard. At 11:00 a.m., a certain Rizalda Soriano called Mylene because accused-appellant was shouting and creating trouble. Mylene approached her brother and told him, "kuya, we will tie you and we will untie you when our mother comes home." Accused-appellant replied, "Yes, and I [had] sleepless nights and something wrong is happening to me." Consequently, Mylene chained accused-appellant. After 30 minutes of being tied, a relative of accused-appellant named Joel Muñoz unchained him. Accused-appellant was happy when he was unchained and said, "I will keep silent and I will wash my clothes." [14]

At about 12:00 p.m. of April 5, 2007, Mylene saw accused-appellant appearing to be "wild." [15] Later, Mylene learned that he stabbed Anacleto. [16] Mylene claimed that accused-appellant was drunk during the incident because "many were saying that he got heavily drunk." [17] After the stabbing incident, Mylene saw accused-appellant and asked him if it was true that he stabbed their uncle. Accused-appellant purportedly replied, "yes but I did not know what I did." [18]

On even date, Josefina was still in Sta. Barbara, Pangasinan. She was looking for money in order to bring accused-appellant to Baguio General Hospital (BGH). [19] Josefina's niece informed her that accused-appellant stabbed Anacleto. [20] At around 4:00 p.m. of the same day, Josefina arrived in the police station and was able to talk to accused-appellant, who was not in his right mind, was crying and afraid. [21]

In turn, Dr. Inumpa testified that accused-appellant was first confined in BGH in August 2003. He was assessed to be suffering from paranoid schizophrenia, which "is a mental illness characterized by hallucination, delusions, social withdrawal and impairment in social and occupational functioning of the affected patient." [22]

Specifically, in schizophrenia, the most common hallucination is auditory, which involves hearing voices when there are no actual voices heard. Delusions, on the other hand, are fixed false beliefs. "The patient believes on something without rational basis." A person afflicted with schizophrenia also experience disturbance on major areas of functioning, such as work, interpersonal relations and self-care. [23]

According to Dr. Inumpa, accused-appellant experienced the foregoing manifestations. She stated that accused-appellant failed to continue working because of his disturbed behavior; he also had no good interpersonal relationship with others because he believes, without rational basis, that they were all drug addicts and they would poison him.[24]

Accused-appellant was readmitted to the BGH, under its Psychiatric Ward on December 2004, February 2005, September 2005, May 2006 and January 2008.[25]

Dr. Inumpa also made the following findings on accused-appellant:

“Based on the history of [accused-appellant], he was psychotic before the alleged crime as he manifested with auditory hallucinations persistently commanding him to kill Anacleto Soblechero and during the commission of the alleged crime, he was psychotic as he claimed that these voices [were] commanding him to kill Anacleto Soblechero because he controlled you (sic). He was also psychotic after the alleged crime as he had auditory hallucinations telling him, 'Ayos!' as if affirming him after stabbing Anacleto Soblechero.”[26]

Dr. Inumpa further stated that accused-appellant's mental condition is incurable but it can be treated or its symptoms can be controlled.[27] By the time a patient has improved, as in the case of accused-appellant, he could be discharged to his family and the hospital would reinforce the family to support the patient. She also admitted that even if a person was afflicted of such mental condition, he could still have lucid intervals.[28] She specified that the main symptoms that were causing accused-appellant to be violent has been controlled. The hallucinations and delusions had decreased or were controlled.[29]

Dr. Inumpa added that without accused-appellant having taken his medicines to control the symptoms of his hallucinations and delusions, he would relapse. This means that he shall “re-experience the same symptoms of hallucinations and delusions.” She also stated that even if a patient was not suffering actively from hallucinations and delusions, he was still suffering from residual symptoms thus, medication should be continuous.[30]

On July 25, 2013, the trial court rendered the assailed Decision finding accused-appellant guilty of murder for killing Anacleto.

Assignment of Errors

Hence, accused-appellant interposed this Appeal[31] raising the following assignment of errors:

“I

THE TRIAL COURT GRAVELY ERRED IN FINDING THAT THE ACCUSED-APPELLANT FAILED TO OVERCOME THE PRESUMPTION OF SANITY.

II

THE TRIAL COURT GRAVELY ERRED IN FINDING THAT THE ACCUSED-APPELLANT'S GUILT FOR THE CRIME CHARGED HAS BEEN PROVEN BEYOND REASONABLE DOUBT.

III

ON THE ASSUMPTION THAT THE ACCUSED-APPELLANT IS LIABLE, THE TRIAL COURT GRAVELY ERRED IN CONVICTING HIM OF MURDER INSTEAD OF HOMICIDE.

IV

ON THE ASSUMPTION THAT THE ACCUSED-APPELLANT IS LIABLE, THE TRIAL COURT GRAVELY ERRED IN FAILING TO CONSIDER THE MITIGATING CIRCUMSTANCE OF THE ACCUSED-ILLNESS AND INTOXICATION.”[32]

Accused-appellant states in his brief[33] that since 2000, he has been showing signs of a mental illness. Even if he

was discharged from the hospital because of an improved condition, this situation does not mean that he was already normal. He contends that his insanity should be given weight because he was suffering from schizophrenia at the time he stabbed Anacleto. Moreover, accused-appellant argues that no treachery was employed by him in stabbing Anacleto. Likewise, he alleges that assuming that he killed the victim during lucid interval, the trial court failed to consider his illness as mitigating circumstance. He also states that he appeared to be heavily intoxicated at the time he stabbed Anacleto. Hence, the trial court should have considered the mitigating circumstance of intoxication in his favor.

On the other hand, plaintiff-appellee People of the Philippines argues in its brief[34] that the defense failed to prove that accused-appellant was totally deprived of reason when he committed the crime charged. It also avers that treachery attended the commission of the crime because accused-appellant attacked Anacleto by surprise and the latter was not given an opportunity to escape or retaliate. Likewise, it states that accused-appellant's intoxication cannot be considered as mitigating circumstance because of lack of evidence that his intoxication is not habitual and that it blurred his reason and deprived him of self-control at the time of the commission of the crime. Finally, it declares that while accused-appellant's mental illness may be appreciated as a mitigating circumstance, it cannot affect the imposable penalty for the crime committed. This is because murder is punishable by reclusion perpetua to death. Since reclusion perpetua is an indivisible penalty, it shall be applied regardless of any modifying circumstance.

Ruling of this Court

A. Presumption of Sanity

There is no dispute that accused-appellant stabbed and killed Anacleto. This being the case, what is left for us to primarily resolve is whether or not accused-appellant's defense of insanity is meritorious to exempt him of criminal liability.

In the absence of proof to the contrary, every person is presumed to be of sound mind. When an accused invoke the defense of insanity, he has the burden of proving the fact of insanity at the time he committed the crime. Insanity presupposes that he was completely deprived of reason and freedom of will at the time of the commission of the offense. When insanity is raised as basis for exemption from criminal liability, the evidence must refer to the time preceding the act under prosecution or to the moment of its execution.[35]

In the instant criminal case, accused-appellant failed to discharge his burden. He failed to establish that he was of unsound mind immediately prior to or during the time he killed Anacleto.

On the day accused-appellant stabbed Anacleto, he was aware that he was supposed to work and he even proceeded to his place of work, that is, his neighbor's house to continue fencing it. Accused-appellant's actuation shows that he knew what he was doing. Also, it cannot be said that accused-appellant stabbed Anacleto for no reason at all. His act of stabbing him was a reaction to the latter's reply that he could not give him coffee because there is no coffee in his (Anacleto's) house. Further, accused-appellant fully understood what he had done as shown by his behavior after the incident. He confessed to his sister that he stabbed Anacleto. He was therefore aware that he stabbed his uncle.

While Dr. Inumpa testified that accused-appellant had been suffering from paranoia schizophrenia and confirmed that such illness is incurable, she also stated that accused-appellant may have lucid intervals. Based on her testimony, there is no indication that accused-appellant relapsed during the commission of the offense charged. As found by the trial court:

“[Accused-appellant] was diagnosed to be suffering from paranoid schizophrenia some weeks after he killed

his uncle xxx

[However, none] among the witnesses presented by the accused had sufficiently shown proof that would satisfy the Court that he exhibited any of the countless symptoms associated with schizophrenia immediately before or simultaneously with the stabbing incident.

The record is bereft of even a single account of abnormal or bizarre behavior on the part of the accused prior to that fateful day aside from the lame story of Mylene that he was smiling, talking to himself and singing. On the contrary, accused was even very eager to work on that day.

Although Dr. Inumpa testified in favor of the accused that he was already suffering from schizophrenia at the time of stabbing, she also declared that schizophrenics have lucid intervals during which they are capable of distinguishing right from wrong. Hence the importance of adducing proof to show that the accused was not in his lucid interval at the time he committed the offense xxx [T]he Court finds the evidence adduced by the defense insufficient to establish his claim of insanity at the time he killed his uncle.”[36]

Given these, accused-appellant failed to prove that he had been completely deprived of reason when he stabbed Anacleto. He was fully aware of the atrocity of his act.

B. Treachery cannot be appreciated

As regards the issue of whether or not accused-appellant is guilty of murder qualified by the aggravating circumstance of treachery, Article 248 of the Revised Penal Code (RPC) provides:

“Art. 248. Murder. – Any person who, not falling within the provisions of Article 246, shall kill another, shall be guilty of murder and shall be punished by reclusion perpetua, to death, if committed with any of the following attendant circumstances:

1. With treachery xxx”

In fine, in order for the accused to be held liable for murder, the prosecution must prove the following:

“(1) a person was killed; (2) the accused killed him; (3) the killing was attended by any of the qualifying circumstances mentioned in Article 248 of the Revised Penal Code; and (4) the killing is neither parricide nor infanticide.”[37]

First, it is undisputed that Anacleto died because of a mortal injury he sustained on April 5, 2007.

Second, the prosecution witnesses positively identified accused-appellant as the person who stabbed and killed Anacleto.

Third, the killing of Anacleto does not constitute parricide nor infanticide.

However, this Court finds that treachery cannot be appreciated in this case.

There is treachery when the offender commits any of the crimes against person by employing means, methods or forms that tend directly and especially to ensure its execution without risk to the offender arising from the defense that the offended party might make. Emphasis should be made that mere suddenness of the attack does not amount to treachery. The essence of treachery is that the attack is deliberate and without warning and is made in a swift and unexpected manner affording the unsuspecting victim no opportunity to resist or escape.[38] Additionally, treachery is not determined by the type of weapon used. It is important to show that the weapon used was deliberately chosen to insure the commission of the crime and in order to render the victim defenseless.[39]

Here, the prosecution failed to prove that accused-appellant deliberately chose to stab Anacleto in order to commit

murder.

The prosecution witnesses only confirmed that while Anacleto was making a kite, accused-appellant approached him and asked for coffee. When the former failed to give accused-appellant coffee, the latter stabbed Anacleto. There is, however, no showing that such unexpected attack was deliberately and consciously adopted by accused-appellant in order to perpetuate the criminal act.

That no treachery can be appreciated in this case is further shown by the lack of evidence that accused-appellant deliberately chose the weapon he used in order to insure the execution of the crime charge, which would make Anacleto unable to set up a defense to repel the attack.

Hence, there being no qualifying circumstance of treachery, accused-appellant is guilty only of homicide.[40]

C. Mitigating Circumstances of Illness and Intoxication

Accused-appellant argues that he was heavily intoxicated at the time he killed Anacleto, thus, the mitigating circumstance of intoxication must be appreciated in his favor.

Such contention is untenable.

Under Article 15(3) of the RPC, the intoxication of an offender shall be considered as a mitigating circumstance when the offender has committed an offense in a state of intoxication and the same is not habitual or subsequent to the plan to commit a felony. Here, other than Mylene's testimony that "many were saying that he got heavily drunk", there is no sufficient proof that accused-appellant was indeed drunk during the incident complained of, and that he was not a habitual drinker, or that he did not get intoxicated subsequent to a plan to commit a crime. Therefore, the mitigating circumstance of intoxication cannot be appreciated in favor of accused-appellant.[41]

However, we agree with accused-appellant's argument that assuming that he killed Anacleto during lucid interval, the trial court failed to consider his illness as mitigating circumstance.

While accused-appellant's mental illness did not completely deprive him of reason and thus, the exempting circumstance of insanity cannot apply here, his mental illness is a mitigating circumstance that can be appreciated in his favor. Under Article 13(9) of the RPC, the illness of the offender is a mitigating circumstance when it would diminish his exercise of will power without depriving him of consciousness of his acts.

In this case, it is undisputed that accused-appellant was diagnosed of paranoia schizophrenia which manifested since 2000 and was characterized with him having experienced hallucinations and delusions. We agree with accused-appellant's contention that such mental illness has diminished his will power, without, nevertheless, depriving him of his awareness of his acts.[42]

D. Penalty

As regards the penalty to be imposed against accused-appellant, the penalty prescribed by law for homicide is reclusion temporal, which ranges from 12 years and 1 day to 20 years.[43] Under the Indeterminate Sentence Law, the maximum of the sentence shall be that which could be properly imposed in view of the attending circumstances; and the minimum term shall be within the range of the penalty next lower to that prescribed by the RPC for the offense.[44]

There being one mitigating circumstance and no aggravating circumstance in this case, the maximum of the sentence shall be within the range of the minimum period of reclusion temporal,[45] which is from 12 years and 1 day to 14 years and 8 months; and the minimum should be within the range of prision mayor, which is from 6 years and 1 day to 12 years.[46]

Thus, we hereby sentence accused-appellant with imprisonment of 8 years of prision mayor, as minimum penalty, to 14 years and 8 months of reclusion temporal, as maximum.

As to the award of damages, we affirm the award of actual damages by the trial court amounting to ten thousand one hundred thirty-five (PhP10,135.00) as the same was duly supported by receipts submitted by the victim's heirs.[47] Nonetheless, we modify the award of civil indemnity and moral damages from seventy-five thousand pesos (PhP75,000.00) to fifty-thousand pesos (PhP50,000.00) respectively, pursuant to prevailing jurisprudence. Lastly, we impose on all monetary award for damages interest at the legal rate of six percent (6%) per annum from the finality of the decision until fully paid.[48]

WHEREFORE, premises considered, the Decision dated July 25, 2013 of the Regional Trial Court of San Carlos City, Pangasinan, Branch 57 in Criminal Case No. SCC-4899 is MODIFIED as follows:

1)

Accused-appellant Michael Caranto y Soblechero is found GUILTY of homicide and is sentenced to suffer the indeterminate penalty of 8 years of prision mayor, as minimum, to 14 years and 8 months of reclusion temporal, as maximum penalty;

2)

The award of civil indemnity amounting to seventy-five thousand pesos (PhP75,000.00) is reduced to fifty thousand pesos (PhP50,000.00);

3)

The grant of moral damages amounting to seventy-five thousand pesos (PhP75,000.00) is reduced to fifty thousand pesos (PhP50,000.00).

All monetary awards for damages shall earn interest at the legal rate of six percent (6%) per annum from the date of finality of this Decision until fully paid.

SO ORDERED.

Villon, S. E., (Chairperson) and Reyes-Carpio, A.,[*] JJ., concur.

[*] Acting Junior Member per Office Order No. 500-14-ABR dated December 1, 2014.

[1] Rollo, pp. 44-53.

[2] Records, pp. 1-2.

[3] Records, pp. 33-34.

[4] Records, pp. 51, 85.

[5] TSN, September 28, 2010, p. 3.

[6] TSN, September 28, 2010, pp. 10-11.

[7] TSN, June 28, 2012, p. 6.

[8] TSN, June 28, 2012, pp. 4-5.

[9] TSN, February 28, 2012, p. 9.

- [10] TSN, June 28, 2012, p. 4.
- [11] TSN, February 21, 2013, pp. 6-7.
- [12] TSN, February 28, 2012, pp. 2-3.
- [13] TSN, February 28, 2012, pp. 3-4.
- [14] TSN, February 28, 2012, pp. 4-8.
- [15] TSN, April 24, 2012, p. 6.
- [16] TSN, February 28, 2012, p. 11.
- [17] TSN, February 28, 2012, pp. 10-11.
- [18] TSN, April 24, 2012, pp. 6-8.
- [19] TSN, June 28, 2012, pp. 3-4.
- [20] TSN, February 21, 2013, p. 7.
- [21] TSN, February 21, 2013, pp. 3-4.
- [22] TSN, August 16, 2011, pp. 7-8.
- [23] TSN, August 16, 2011, p. 8.
- [24] TSN, August 16, 2011, p. 8.
- [25] TSN, August 16, 2011, p. 9.
- [26] TSN, August 16, 2011, p. 11.
- [27] TSN, August 16, 2011, pp. 21-22.
- [28] TSN, August 16, 2011, pp. 17-18.
- [29] TSN, August 16, 2011, p. 20.
- [30] TSN, August 16, 2011, pp. 22-23.
- [31] Records, pp. 203-204.
- [32] Rollo, pp. 27-28.
- [33] Rollo, pp. 24-42.
- [34] Rollo, pp. 75-93.
- [35] People vs. Robiños, G.R. No. 138453, May 29, 2002.
- [36] Rollo, pp.
- [37] People vs. Zapuiz, G.R. No. 199713, February 20, 2013.
- [38] People vs. Watamama, G.R. No. 188710, June 2, 2014.
- [39] People vs. Labiaga, G.R. No. 202867, July 15, 2013.
- [40] People vs. Vilbar, G.R. No. 186541, February 1, 2012.

[41] People vs. Rebucan, G.R. No. 182551, July 27, 2011.

[42] People vs. Villanueva, G.R. No. 172697, September 25, 2007.

[43] Reyes, Luis B., The Revised Penal Code: Book Two, Arts. 114-367, 2006 (Sixteenth Ed.), p. 1034.

[44] People vs. Vilbar, G.R. No. 186541, February 1, 2012.

[45] Art. 64. Rules for the application of penalties which contain three periods. — In cases in which the penalties prescribed by law contain three periods, whether it be a single divisible penalty or composed of three different penalties, each one of which forms a period in accordance with the provisions of Articles 76 and 77, the court shall observe for the application of the penalty the following rules, according to whether there are or are no mitigating or aggravating circumstances:

xxx xxx xxx

2. When only a mitigating circumstance is present in the commission of the act, they shall impose the penalty in its minimum period.

[46] Reyes, Luis B., The Revised Penal Code: Book Two, Arts. 114-367, 2006 (Sixteenth Ed.), pp. 1032, 1034.

[47] Records, pp. 47-48.

[48] Guevarra vs. People, G.R. 170462, February 5, 2014.

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