

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. CLINT ESTREBA Y ENRIQUEZ, ACCUSED-APPELLANT.

Ponente: AZCARRAGA-JACOB, J.

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AZCARRAGA-JACOB, J.:

This is an appeal filed by accused-appellant Clint Estreba y Enriquez (appellant) seeking the reversal of the Decision[1] dated 29 March 2012 of the Regional Trial Court (RTC) of Ormoc City, 8th Judicial Region, Branch 35, in Criminal Case No. 7707-0 which adjudged him guilty beyond reasonable doubt of the crime of Parricide and sentenced him to suffer the penalty of reclusion perpetua.

THE ANTECEDENTS

Appellant was indicted in an Information quoted hereinbelow:

That on or about the 29th day of September 2006 at around 8:30 in the morning at Sitio Tuburan, Purok 2, Brgy. Valencia, Ormoc City, and within the jurisdiction of this Honorable Court, the above-named accused CLINT ESTREBA y ENRIQUEZ, father of the victim Raven Clive Estreba y Tan, 2 years of age, with intent to kill, employing treachery and evident premeditation, did then and there willfully, unlawfully, and feloniously without provocation stab the said victim several times in different parts of his body, thereby inflicting upon him mortal wounds which caused the latter's instantaneous death, Autopsy Report is hereto attached.

In violation of Article 249, Revised Penal Code.[2]

When arraigned on 27 November 2006, appellant, assisted by counsel, pleaded not guilty to the charge.[3] After the conclusion of the pre-trial conference, trial on the merits ensued.

The facts of the case are briefly summarized by the trial court in this wise:

The prosecution presented witnesses Dr. Marilyn Pascual, private complainant Olive Tan and Andrew Tan. The defense on the other hand presented witnesses Michel Estreba, Dr. Lyn Varona and SPO3 Macario Campomanes.

Dr. Marilyn Pascual from the City Health Office examined the victim Raven Clive Estreba. Dr. Pascual remembered that the cadaver was very pale, the child was wearing white sleeveless t-shirt with blood stained and white brief. There were penetrating wounds on the right breast, on the left heart area and another stab wound above the umbilicus and a stabbed (sic) wound on the right lumbar area. Her finding as reflected in the Medical Report is quoted:

GENERAL SURVEY:

Wearing blood stained white sleeveless T-shirt and white brief. Penetrating wound 1cm x 0.0cm right breast penetrating wound, left heart area 1 cm x 0.4 cm penetrating wound. Above the umbilicus 2.2 cm x 0.7 cm wound (stabbed) with small portion of mesentery protruding, right lumbar area 1.6 cm x 0.6 cm stabbed (sic) wound with large intestine protruding.

CAUSE OF DEATH:

Severe hemorrhage 2 to stabbed (sic) wounds.

xxx

After the presentation of the prosecution's first witness Dr. Marilyn Pascual, the counsel for the accused filed an Ex-Parte Motion to Admit accused for Psychiatric Evaluation and Treatment. Finding the same to be meritorious, the Court ordered the Jail Warden of the BJMP, Ormoc City to bring the accused Clint Estreba y Enriquez for psychiatric evaluation at the Eastern Visayas Regional Medical Center (EVRMC), Tacloban City and required the said center to submit its report.

On December 4, 2007, the counsel for the accused filed a Motion to Admit Accused for Psychiatric Treatment as per recommendation by Dr. Lyn Varona who attended Clint at the EVRMC. With the order of the Court allowing accused Clint to be confined at the National Center for Mental Health the hearing for the case was suspended.

On July 7, 2008, the National Center for Mental Health submitted its 1st Endorsement enclosed with the Medical Report on the physical and mental condition of the patient, accused Clint Estreba y Enriquez.

As stated in the report that the patient has improved with medications and has been deemed competent to stand trial, the hearing was set.

Trial again resumed with the private complainant Olive Tan (Olive) taking the witness stand. Witness testified that she and accused Clint started living together in 2004 which resulted to the birth of a child, the victim Raven Clive Tan Estreba. Tan recalled that on September 9, 2006 at around 8:30 o'clock in the morning, she was at home resting in her bedroom when her mother told her that accused Clint was within the premises waiting for her at the nipa hut. She did not go out because she was afraid of Clint. Her younger brother then approached her and took Rave and brought him to the chapel just across their house. While she was inside her house, she saw that her child was already in the possession of the accused Clint located outside of their house. As she was about to get the child, she was prevented by her mother who told her that Clint just wanted to see the child as he was going to Cebu City. A little while she was surprised of a commotion outside. She went out from the house and saw her bloodied child being carried by her younger brother, Andrew Tan. They immediately rushed them (sic) to the hospital where he [Rave] was pronounced dead on arrival. At the time she saw her son being carried by her younger brother, the accused Clint was still at the scene of the incident. She came to know from her younger brother that her son Raven was stabbed by Clint Estreba. Witness identified the affidavit she executed and affirmed and confirmed the truthfulness of the allegations contained therein.

As the third witness, the prosecution called Andrew Tan, the alleged eyewitness of the incident to testify. He is 23 years old, single and a resident of Sitio Tuburan, Brgy. Valencia, Ormoc City. Witness is the uncle of the deceased victim Raven, the mother of the latter being his older sister. Witness recalled that on September 9, 2006, he went outside of their house together with his nephew Raven Clive when the accused Clint approached him and asked him that he (Clint) is going to bring the child Raven Clive for a stroll. He gave the child to Clint. Clint then held the hand of the child and slowly walked with the child away from the house. Since the child was already with them, Andrew took a seat in the chapel and just kept on observing Clint with the child. While he was watching them, Clint ran carrying the child with him towards the vacant lot and then Clint stabbed the child. Upon seeing this, Andrew immediately approached them and when Andrew came close to them Clint released the grip of the child, his feet apart and the child was right at his foot. Andrew at once carried the wounded child and ran towards their house to look for a ride or a vehicle. The child was declared dead on arrival at the hospital.

The prosecution formally offered their exhibits in writing which are as follows:

EXHIBIT NATURE

A & series Complaint Affidavit dated September 30, 2006 executed by Olive Tan;

B & series Affidavit of Arrest dated September 30, 2006;

C & series Affidavit of Andrew Tan dated September 6, 2006;

D & series Medical Certificate issued by Dr. Marilyn Pascual;

E & series Certificate of Live Birth of Raven Clive T. Estreba;

F & series Certificate of Death of Raven Clive T. Estreba;

G & series Schematic Diagram issued by the attending physician who did the autopsy of Raven Estreba;

H & series Extract of the Police Blotter issued by PCP2, Brgy. Valencia, Ormoc City;

I & series Police Report issued by Niel Bagares Montaño.

The exhibits offered were all admitted as to their existence and as part of their respective testimonies. With the ruling, the prosecution is deemed to have rested its case.

DEFENSE:

Michel Estreba, the father of the accused testified to the following: that Olive Tan and his son Clint Estreba dated for about six (6) years before they started to live together; that the victim Raven Clive Estreba is the eldest child of Clint and Olive Patlingrao-Tan; that Clint and Olive during their cohabitation live with the mother of the latter until they left for Manila sometime in 2006; that the couple transferred to Manila to seek employment as they were trying to secure a better future; that Clint worked as a Security Guard for only around 15 days because he was having mental difficulty while Olive worked as a helper; that he knew that Clint was having a mental problem because the owner of the house where the couple were living, one Jose Marie Jespert, Jr., who was the son of his second wife, informed him that Clint was usually staring blankly and was not normal; that upon his request that Clint be given fare so he can come home, Clint and his live-in partner Olive arrived in Ormoc City on the first or second week of August 2006; that when he arrived at their house in Lauraville, he was surprised that their things were disarranged and later learned that Clint and his wife had a quarrel; that upon information from his children that they brought Clint to the Valencia Jail, he went to the police station in Valencia and saw that Clint was blanked and was not able to recognize him; that Clint was placed under detention for almost three (3) days and then Chief Neil Montaño advised him to fetch his son because Clint was already uncontrollable; that in order to be cured of his mental illness they brought Clint to Cebu with the help of the late Dr. Del Monte and later with Dra. Igot in Vicente Sotto Hospital; that Clint was diagnosed not to be totally out of his mind and had a chance to recover with proper medications; that on the second or third week of September 2006, when they came back to Ormoc City, Clint decided to go to his mother-in-laws house to fetch his wife and child but instead, he was made to sign an agreement that he had to separate from his wife and child; that this agreement triggered the mental disturbance of Clint because right after Clint signed the document, he saw that Clint was deeply disturbed; that on September 29, 2006, he was informed that Clint went to the house of Olive to see his son; that upon receipt of the said information, he immediately went to the house of Olive and even reminded Clint that they will be leaving for Cebu to which Clint responded that he will follow him (Michel); that he then left for Kananga as he had to attend to other concerns; that when he came back, he learned that Clint killed his son; that he saw Clint was confined in the hospital; for around three (3) to five (5) days because he suffered self-inflicted stabbed wounds; that while being detained at the BJMP, Clint again suffered mental problems, the reason why on 2008, Clint was brought to the National Center for Mental Health and was confined for about a year.

To attest that Clint Estreba suffered from mental illness, Dr. Lyn Verona a psychiatrist from Eastern Visayas Regional Medical Center (EVRMC) was called to testify. She identified the Medical Certificate she issued sometime in November 23, 2007. Witness testified that during the consultation ahead of the patient, she found out that the patient, accused Clint Estreba has psychotic depression. A patient has psychosis when he/she has the following symptoms: hallucination, delusion and he does not know what he was doing, he is out of reality. This Organic Psychosis as stated in the medical certificate is something that is congenital or acquired through the surroundings. In the case of accused Clint Estreba, she was not able to find out whether the organic psychosis was congenital or acquired since her examination on the accused was not completed as he was brought to the National Center for Mental Health. However, she said that there was a history in 2005 and 2006, Clint had manifestation of psychosis wherein he was admitted in a hospital. On examination, Dr. Verona said that it is possible that at the time of the commission of the crime, Clint was suffering from Organic Psychosis. She was able to determine that Clint was suffering from Organic Psychosis because of the fact that the patient has history since 2005 up to the present and there was no continuous medications. During her examination, the patient was also psychotic. She observed at the time of the examination, that the patient has hallucinations, delusion and others. These findings, however, were not put into writing.

The last witness for the defense was SPO3 Macario Campomanes, who was assigned at Police Station 2, Brgy. Valencia, Ormoc City. Witness narrated that on August 15, 2006 at 3:15 o'clock in the afternoon while he was on duty, there was a telephone call from a certain Mrs. Anita del Pilar from Brgy. Flora Valle Subd., Brgy. Valencia, requesting police assistance as his nephew, herein accused Clint Estreba was acting violently because he has trouble with his live-in partner. When they saw the accused, they immediately arrested him, informed him of his rights and brought him to the police station. At the police station, he observed that accused Clint Estreba kept on murmuring and shouting. In his personal observation, accused[']s] actuations were not normal. Even up to the lock up cell when he would be given water, he would splash it against the wall of the cell. He has no idea how long the accused was detained since the following day he was off duty.

THE TRIAL COURT'S RULING

Following the conclusion of the trial, the lower court rendered a decision finding appellant guilty beyond reasonable doubt of the crime of parricide. It gave full faith and credit to the witnesses who testified against appellant. In spite of his defense of insanity, the trial court noted that he was in full control of his faculties before, during, and after he attacked his son.

The fallo of the trial court's decision states:

WHEREFORE, premises considered, judgment is rendered finding the accused CLINT ESTREBA y Enriquez, guilty beyond reasonable doubt of the crime of Parricide for the killing of his son Rave Clive Tan Estreba, and sentencing him to suffer the penalty of RECLUSION PERPETUA. In addition, the accused is ordered to indemnify the heirs of Raven Clive Estreba in the amount of P75,000.00 without need of further evidence other than the fact of the commission of parricide. Moral damages in the amount of P75,000.00 is also awarded. In line with the prevailing jurisprudence, exemplary damages is awarded to the heirs of the victim Raven Clive Estreba on account of relationship, a qualifying circumstance, which was alleged and proved, in the crime of parricide.

x x x x

SO ORDERED.[4]

Aggrieved by the verdict, appellant interpose an appeal with Us.

THE ISSUES

In his Appellant's Brief, appellant presented the following assigned errors as follows:

I

THE COURT A QUO GRAVELY ERRED IN NOT APPRECIATING THE EXEMPTING CIRCUMSTANCE OF INSANITY IN FAVOR OF THE ACCUSED-APPELLANT.

II

THE COURT A QUO GRAVELY ERRED IN NOT GIVING PROBATIVE WEIGHT TO THE TESTIMONY AND PSYCHIATRIC EVALUATION OF DR. LYN VERONA FINDING THE ACCUSED-APPELLANT TO BE SUFFERING FROM ORGANIC PSYCHOSIS.

III

THE COURT A QUO GRAVELY ERRED IN NOT GIVING PROBATIVE WEIGHT ON THE FINDINGS OF THE NATIONAL CENTER FOR MENTAL HEALTH (NCMH) THAT THE ACCUSED-APPELLANT WAS SUFFERING FROM PSYCHOSIS CLASSIFIED AS SCHIZOPHRENIA.

THIS COURT'S RULING

We are not convinced with appellant's defense.

At the outset, We note that there is no more question as to whether or not appellant killed his son, since he never denied this fact. That being so, what is left for this jurisdiction to resolve is whether or not appellant's claim of insanity is creditable so as to exculpate him of the crime he committed.

Section 1039 of the Revised Administrative Code defines insanity as "a manifestation in language or conduct of disease or defect of the brain, or more or less permanently diseased or disordered condition of the mentality, functional or organic, and characterized by perversion, inhibition, or disordered function of the sensory or of the intellective faculties, or by impaired or disordered volition."

Insanity under Art. 12, par. 1, of The Revised Penal Code exists when there is a complete deprivation of intelligence in committing the act, i.e., appellant is deprived of reason; he acts without the least discernment because of complete absence of the power to discern; or, there is a total deprivation of freedom of the will. The onus probandi rests upon him who invokes insanity as an exempting circumstance, and he must prove it by clear and convincing evidence.[5]

The issue of insanity is a question of fact for insanity is a condition of the mind, not susceptible of the usual means of proof. As no man would know what goes on in the mind of another, the state or condition of a person's mind can only be measured and judged by his behavior. Establishing the insanity of an accused requires opinion testimony which may be given by a witness who is intimately acquainted with appellant, or who has rational basis to conclude that appellant was insane based on the witness' own perception of appellant, or who is qualified as an expert, such as a psychiatrist.[6]

In the case at bar, the defense regrettably failed to discharge its burden of proving that appellant was insane at the time of the commission of the crime. The alleged insanity was not substantiated by sufficient evidence. He was not completely bereft of reason or discernment and freedom of will when he mortally stabbed his son.

Appellant's defense of insanity is anchored on the testimony of Dr. Lyn Verona, the psychiatrist who conducted an examination of the mental condition of appellant. As correctly observed by the trial court, the doctor's

testimony does not provide much help in determining appellant's state of mind at the time of the killing.

Although Dr. Verona testified that it was possible that appellant had already been suffering from psychosis at the time of the commission of the crime, however her supposition was based on appellant's psychotic history in 2005 and 2006 which was apparently influenced by the disclosure of appellant's father (Michel) of appellant's previous consultation at the Vicente Sotto Hospital. It must be noted that she examined appellant only on 23 November 2007, or more than a year after the commission of the crime.[7] Well-settled is the rule that an inquiry into the mental state of an accused should relate to the period immediately before or at the very moment the felony is committed.[8] Hence, the mental examination taken after the incident happened, in effect, showed that it could not be concluded with certainty that he was suffering from such psychosis immediately before or simultaneous to the commission of the crime.

Thus, appellant who invoked insanity should have proven that he had already been completely deprived of reason when he killed the victim.³⁰ Verily, the evidence proffered by the defense did not indicate that he had been completely deprived of intelligence or freedom of will when he stabbed his son to death. Insanity is a defense in the nature of a confession or avoidance and, as such, clear and convincing proof is required to establish its existence.³¹ Indubitably, the defense failed to meet the quantum of proof required to overthrow the presumption of sanity.

In the same vein, We are not convinced with the findings of the National Center for Mental Health (NCMH) that the appellant was suffering from psychosis classified as schizophrenia, since the same is inapplicable to the defense theory of insanity. The NCMH findings on appellant's mental health only pertain to his ability to stand trial and not to his mental state immediately before or during the commission of the crime.

In sum, the requirements of insanity have not been met by the defense. Appellant's unusual behavior prior to and after he committed parricide do not meet the stringent standards on an insanity plea as required by law and existing jurisprudence. The presumption of sanity has not been overcome. In contrast, the prosecution, as found by the lower court, sufficiently established evidence that appellant voluntarily killed his son. On this matter, We find no reason to reverse the findings of fact made by the lower court.

Finally, We deem it proper to modify the amount of damages awarded by the court a quo. The award of civil indemnity of P75,000.00 and moral damages of P75,000.00 should be reduced to P50,000.00 respectively, in accordance with prevailing jurisprudence.[9] Exemplary damages in the amount of P30,000.00 should be likewise granted considering that the qualifying circumstance of relationship is present in the crime of parricide.[10]

Lastly, in conformity with current policy, We also impose on all the monetary awards for damages an interest at the legal rate of 6% from the date of finality of this Decision until fully paid.[11]

WHEREFORE, premises considered, the instant appeal is hereby DENIED.

Accordingly, the assailed Decision[12] dated 29 March 2012 of the Regional Trial Court (RTC) of Ormoc City, 8th Judicial Region, Branch 35, in Criminal Case No. 7707-0 is hereby AFFIRMED with MODIFICATIONS. As modified, appellant Clint Estreba y Enriquez is ORDERED to pay the heirs of the victim the amounts of P50,000.00 as civil indemnity, P50,000.00 as moral damages, and P30,000.00 as exemplary damages. Interest on all damages awarded is imposed at the rate of 6% per annum from date of finality of this judgment until fully paid.

SO ORDERED.

Ingles, and Quijano-Padilla, JJ., concur.

[*] Acting Chairman per Office Order No. 14-14-GTI dated 26 June 2014 vice Justice Hernando.

[1] Rollo, pp. 19-23, Annex “A” to the Appellant's Brief.

[2] Record, page 2.

[3] Ibid., page 40, Certificate of Arraignment.

[4] Rollo, pp. 22-23.

[5] People v. Florendo, G.R. No. 136845, 08 October 2003; citing, People v. Renegado, No. L-27031, 31 May 1974, 57 SCRA 275.

[6] People v. Madarang, G.R. No. 132319, 12 May 2000, 332 SCRA 99.

[7] Transcript of Stenographic Notes dated 10 December 2009.

[8] People v. Catanyag, G.R. No. 103974, 10 September 1993, 226 SCRA 293.

[9] People v. Gamez, G.R. No. 202847, 23 October 2013; citing People v. Tibon, G.R. No. 188320, 29 June 2010, 622 SCRA 510.

[10] Ibid.

[11] Id.; People v. Sales, G.R. No. 177218, 03 October 2011, 658 SCRA 367.

[12] Rollo, pp. 19-23, Annex “A” to the Appellant's Brief.

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