

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ARIEL CATANYAG Y STA. ANA, ACCUSED-APPELLANT.

G.R. No. 103974. September 10, 1993

Ponente: GRIÑO-AQUINO, J.

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GRIÑO-AQUINO, J.:

Ariel Catanyag y Sta. Ana appealed to this Court for a reversal of the decision dated September 20, 1991 of the Regional Trial Court of Antipolo, Rizal, Branch 71, convicting him of parricide and sentencing him to suffer the penalty of reclusion perpetua and to indemnify the heirs of his deceased wife, except himself, in the amount of P50,000.00 and to pay the costs.

The information against him, to which he entered a plea of not guilty, reads:

"That on or about the 9th day of December 1988, in the Municipality of Taytay, Province of Rizal, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with intent to kill and being the wife of victim Elizabeth Catanyag y Calderon, did then and there wilfully, unlawfully and feloniously attack, assault and stab several times at his wife with a Batangas knife 'vente nueve' (29), thereby inflicting upon her mortal wounds on her body which directly caused her death." (p. 38, Rollo.)

Ariel Catanyag and Elizabeth Calderon were legally married at Cainta, Rizal, on August 18, 1983 by Mayor Benjamin Felix. By 1988 they had separated and Eliza-beth, who engaged in the buy-and-sell of ready-to-wear dresses with her mother, was staying at her sister Girlie Nery's house at No. 15 M. Borja Street in Taytay, Rizal.

At about 4:00 o'clock in the afternoon of December 9, 1988, the accused entered Girlie's house without permission. Girlie was in the sala at the time, fixing her wedding gown for she would be married the next day. The surprised Girlie asked the accused what he wanted, and he told her that he was looking for Elizabeth. Girlie said that her sister had gone out with her moth-er. Despite the answer, the accused started looking for Elizabeth in the sala and dining room and was about to go up the stairs to the second floor when he met Eliza-beth's niece who informed him that her aunt was upstairs. Just then, Elizabeth was about to descend the stairs but upon seeing Ariel, she turned around to avoid the accused. He quickly followed her. Girlie overheard the couple quarrelling as the accused wanted Elizabeth to live with him again but the latter refused to have anything to do with him. She heard Elizabeth hurrying down the stairs followed by the accused. In order to avoid him, Elizabeth ran to the comfort room to hide, but the accused followed her there, too. Knowing that he was "salbahe" (ill-mannered) (p. 48, Rollo), Girlie followed him and saw him close the door after him, which was however left open by an inch. As she was just a step away from the door, she heard Elizabeth moan and call for her. Girlie quickly pushed the door which was blocked by the accused whom she saw stabbing Elizabeth with a knife. Girlie boxed him at the back and pulled him out of the door. The accused stepped out with the blood-stained knife pointed at Girlie. Elizabeth struggled out of the comfort room and raised her hands up to prevent the accused from hitting Girlie, but the accused turned towards her (Elizabeth) and stabbed her again. Girlie shouted for help. Her brother, Dante, arrived and cried for help but he was unarmed. The accused turned on him and chased him out of the house and himself left the premises.

Girlie lifted her sister in her arms because she was slumped on the floor bathed in her blood, her mouth frothing. Dante arrived shortly with a Tamaraw vehicle and took Elizabeth to the Angono District Hospital. She was in a state of shock and bleeding profusely. They were advised to transfer her to the Pasig Provincial Hospital but she died of severe hemorrhage in the emergency room within fifteen to twenty minutes, before she could be admitted.

The defense tried to establish that the accused was suffering from insanity at the time of the killing. However, the only evidence of insanity was the testimony of Dr. Edgardo Canlas, who conducted a psychiatric and psychological examination on the accused at the National Center for Mental Health in Mandaluyong, Rizal. Dr. Canlas submitted a report dated October 16, 1990, finding the accused to be "suffering from an 'organic mental syndrome' [of brain damaged dysfunction], characterized by irritability, poor impulse control, poor judgment and an abnormal electroencephalogram result" (p. 43, Rollo). His intelligence was however found to be "within the average level." His physical and neurological examinations were "within normal limits" (pp. 106, Records).

On September 20, 1991, the trial court rendered judgment finding "the accused Ariel Catanyag y Sta. Ana GUILTY beyond reasonable doubt of the crime of Parricide defined and penalized under Art. 246 of the Revised Penal Code, and he is hereby sentenced to suffer and undergo imprisonment of reclusion perpetua, and to indemnify the heirs of the deceased, except himself, in the amount of P50,000.00 and to pay the costs" (p. 49, Rollo).

The Court held that the medical findings were not sufficient to establish that Catanyag's "organic mental syndrome" (p. 48, Rollo), when he was examined two (2) years after the commission of the crime, was also his condition on December 9, 1988 when he killed his wife.

Appellant alleges that the degree of insanity which he suffered at the time he killed his wife was such as to override his reason and judgment and create in his mind an uncontrollable impulse to commit the offense.

There is no merit in the appeal.

The law presumes every man to be sane. A person accused of a crime who pleads the exempting circumstance of insanity has the burden of proving it. Article 12 of the Revised Penal Code provides:

"Art. 12. Circumstances which exempt from criminal liability. - The following are exempt from criminal liability:

"1. An imbecile or an insane person, unless the latter has acted during a lucid interval.

"Where the imbecile or an insane person has committed an act which the law defines as a felony (delito), the court shall order his confinement in one of the hospitals or asylums established for persons thus afflicted, which he shall not be permitted to leave without first obtaining the permission of the same court."

In order that this exempting circumstance may be considered, it must be clearly established that the accused was completely deprived of reason when he committed the crime charged.

"The Supreme Court of Spain held that in order that this exempting circumstance may be taken into account, it is necessary that there be a complete deprivation of intelligence in committing the act, that is, that the accused be deprived of reason; that there be no responsibility for his own acts; that he acts without the least discernment; (Decision of the Supreme Court of Spain of November 21, 1891; 47 Jur. Crim. 413) that there be a complete absence of the power to discern (Decision of the Supreme Court of Spain of April 29, 1916; 96 Jur. Crim. 239) or that there be a total deprivation of freedom of the will. (Decision of the Supreme Court of Spain of April 9, 1872; 6 Jur. Crim. 239) For this reason, it was held that the imbecility or insanity at the time of the commission of the act should absolutely deprive a person of intelligence or freedom of will, because mere

abnormality of his mental faculties does not ex-clude imputability. (Decision of the Supreme Court of Spain of April 20, 1911; 86 Jur. Crim. 94, 97)." (People vs. Rafanan, 204 SCRA 65, 74, citing People vs. Formigones, 87 Phil. 658.)

What makes the appellant's defense doubtful is Dr. Canlas' admission during the trial that the organic mental syndrome suffered by him "could be transient or permanent" (p. 72, Rollo), depending on what caused it. Dr. Canlas also admitted that at the time the accused testified, he did not manifest the signs and symptoms of such syndrome. Furthermore, it was not positively shown that the appellant was abnormal or that he was partially or completely insane on December 8, 1988, when he killed his wife, so as to exempt him from responsibility for his action at the time.

An inquiry into the mental state of the accused should relate to the period immediately before or at the very moment the act is committed (People vs. Aquino, 186 SCRA 851). Dr. Canlas admitted that the examinations he made on the appellant in 1990 did not show that his judgment and mental faculties were so totally impaired as to warrant the conclusion that his mental condition in 1988, when he committed the crime, and in 1990, when he took the tests, was the same so that his guilt or mental competence at the time he killed his wife may not be reasonably doubted.

WHEREFORE, the appealed decision finding the accused Ariel Catanyag y Sta. Ana GUILTY beyond reasonable doubt of the crime of Parricide defined and penal-ized under Art. 246 of the Revised Penal Code, and sentencing him to suffer the penalty of reclusion perpetua, with the accessories provided by law, and to indemnify the heirs of the deceased, except himself, in the amount of P50,000.00 and to pay the costs, is hereby AFFIRMED in toto.

SO ORDERED.

Cruz, (Chairman), Davide, Jr., Bellosillo, and Quiason, JJ., concur.

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