

MIGUEL R. ZOSA, PETITIONER, VS. THE HONORABLE COURT OF APPEALS, THE PEOPLE OF THE PHILIPPINES AND ANDRESA Y. RAFFINAN, RESPONDENTS.

G.R. No. 105641. March 10, 1994

Ponente: PADILLA, J.

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PADILLA, J.:

This is a petition for review on certiorari of the decision* of the Court of Appeals in CA-G.R. SP No. 24203 dated 30 April 1991 as well as its resolution dated 28 April 1992 denying petitioner's motion for reconsideration of said decision.

Acting upon the petition, the Court required the respondents to comment thereon.[1] After the respondents filed their respective comments,[2] the petitioner, as required by the Court, filed his reply to private respondent's comment.[3] Thereafter, the Court give due course to the petition and required the parties to submit simultaneously their respective memoranda.[4] In compliance therewith, the respondent People of the Philippines, through the Solicitor General, filed a manifestation praying that their comment on the petition be considered as their memorandum,[5] while the petitioner and the private respondent filed their respective memoranda.[6] The case was, thereafter, calendared for deliberation.[7] After due deliberation, the Court voted to deny the petition. Hence, this decision.

Shorn of unessentials, the facts of the case are as follows:

Sometime in 1981, a complaint for libel was filed against the petitioner Miguel R. Zosa by private respondent Andresa Y. Raffinan -- petitioner's aunt by affinity -- with the Regional Trial Court of Cebu, Branch XII, docketed therein as Criminal Case No. CU-9278.

During the trial, petitioner, being a lawyer, repre-sented and defended himself.

After trial, the court a quo rendered a decision on 1 February 1982, finding the petitioner guilty beyond reasonable doubt of the crime of libel, the dispositive part of which reads as follows:

"WHEREFORE, judgment is hereby rendered finding the accused MIGUEL R. ZOSA guilty beyond reasonable doubt of the crime of Libel as defined under Art. 353 and penalized under Art. 355 of the Revised Penal Code, and he is hereby sentenced to pay a fine of P2,000.00 with subsidiary imprisonment which shall not exceed six (6) months, in case of insolvency, and to pay Andresa Yap Raffinan the sum of P10,000.00 as moral damages, and to pay the costs of this action. The bail bond posted for his provisional liberty is hereby cancelled." [8]

The aforesaid judgment having become final and execu-tory, a writ of execution was issued and the sheriff levied upon and sold on execution the rights and interests of peti-tioner Miguel R. Zosa consisting of a one-third (1/3) share in a parcel of land situated in barrio Marigondon, Lapu-Lapu City, containing an area of six thousand three hundred and sixty-two (6,362) square meters.[9]

On 6 February 1991, i.e., nine (9) years after the promulgation of the judgment of the trial court -- the petitioner filed with the Court of Appeals a petition for Declaration of Nullity of Proceedings in Criminal Case No. CU-9278, docketed therein as CA-G.R. SP No. 24203, alleging that because he became insane during the trial and subsequent proceedings in Criminal Case No. CU-9278, he became unaware of what was going on around him and was no longer in a position to intelligently defend himself in said case and take the proper action during the subsequent proceedings as well as in the execution of the judgment rendered against him.

On 30 August 1991, the Court of Appeals promulgated a decision^[10] dismissing the petition for lack of merit. The appellate court reasoned out in the following tenor:

"The petition lacks merit. Actions for annul-ment of judgment rest on a single ground: extrinsic or collateral fraud, i.e. any fraudulent act of the prevailing party in the litigation which is committed outside the trial of the case, whereby the defeated party has been prevented from exhi-biting fully his side of the case, by fraud or deception practiced on him by his opponent. (Canlas vs. CA, 164 SCRA 160)

This petition seeks an annulment of the decision rendered by the respondent court on February 1, 1982, which has already become final, and which judgment has already been satisfied, on the ground that he underwent psychiatric treatment in 1989 for psychiatric problems that started sometime in 1981, and which may have been precipitated by 1.) the filing of a libel case against him by his aunt, 2.) his witnessing a stabbing incident involving a fellow lawyer friend. There is no allegation of extrinsic or collateral fraud to support the petition for annulment of judgment.

It is too late for petitioner to plead insanity at the time of his trial to annul the judgment of conviction. 'The inquiry into the mental condition of an accused who pleads insanity as an exempting circumstance must relate to the time preceding, or coetaneous with, the commission of the offense with which he is charged. The evidence (of mental condition), it has been held, '**** must refer to the time preceding the act under prosecution or to the very moment of its execu-tion.' (People vs. Aldemita, 145 SCRA 451).

Accordingly, the defense of insanity as an exempting circumstance, will not lie where as here, the insanity ocured seven (7) years after the finality of the judgment, and the psychiatric disorder was brought about by the filing of the criminal case for libel against him and another traumatic incident, both of which events took place after the criminal case was filed, or after the commission of the offense for which petitioner was charged and found guilty.

Petitioner admits in his own petition that he defended himself in the libel case (par. 11), thus clearly belying his claim that he was deprived of reason during the proceedings. If at all, the defense of insanity, as an exempting circumstance should have been pleaded then."^[11]

Petitioner moved to reconsider^[12] the decision, claiming that he was not pleading insanity as a defense to the charge of libel. He argued that in the course of the trial of the libel case, he became sick of schizophrenia, paranoid type, which prevented him from fairly and fully airing his side of the case, just like in extrinsic fraud.

In its resolution^[13] dated 23 April 1992, the Court of Appeals, as afore-mentioned, denied the petitioner's motion for reconsideration. In denying the said motion for reconsi-deration, the Court of Appeals held, among others, as follows:

"In the present action, petitioner does not attribute commission of any extrinsic fraud by his opponent, the private respondent Andresa Raffinan nor by the prosecution. He alleges that a schizo-phrenic disorder, personal type, is not attributable to anybody's fault; 'one gets sick of it without anybody giving you that sickness'. It is therefore clear that the ground invoked for annul-ment of proceedings in Criminal Case No. CU-9728 is one not attributable to the adverse party that would justify an analogy with 'extrinsic fraud'.

While We are inclined to agree with the bare proposition that an accused is entitled to the services of a

mentally competent counsel, during the trial, We are not convinced from the petition and its annexes that petitioner had made out a prima facie case in his behalf. The certification dated December 18, 1990 issued by Dr. Pureza T. Onate attached as Annex 'A' of the petition which states that the petitioner had been under professional care from November 1, 1989 to November 14, 1989, and describes the psychiatric diagnosis as: 'schizophrenic disorder, paranoid type' (Annex 'A', Petition, p. 9, rollo) was issued long after the trial of the case for libel had been terminated in 1981, and the case decided on February 1, 1982. While it also states that per psychiatric history, said Atty. Miguel R. Zosa, 'started to have some psychiatric problem sometime in 1981', the certification fails to specify the exact nature of the psychiatric problem, the duration thereof, nor the extent of the debilitating effect if any on one's professional competence. Moreover, Dr. Onate's competence to testify on this matter nine years after its supposed occurrence is doubtful." [14]

In this petition for review, petitioner assigns the following errors allegedly committed by respondent court:

"I. THE RESPONDENT COURT ERRED IN NOT HOLDING THAT THE PETITIONER'S BECOMING INSANE, WHO WAS HIS OWN LAWYER AT THE TRIAL OF THE LIBEL CASE FILED AGAINST HIM IS A GROUND FOR ANNULMENT OF JUDGMENT; AND

II. CONSIDERING THAT THE RESPONDENT COURT DOUBTED THE COMPETENCY OF DR. ONATE THAT THE PETITIONER BECAME INSANE DURING THE TRIAL OF THE LIBEL CASE, THE RESPONDENT COURT ERRED IN NOT RECEIVING EVIDENCE ON THE COMPETENCY OF DR. ONATE AND THE CORRECTNESS OF HER FINDING THAT PETITIONER BECAME INSANE DURING THE TRIAL IN THE LIBEL CASE.

The petition is devoid of merit.

To begin with, petitioner's contention that the Court of Appeals erred in holding that his becoming insane at the time of the trial of the libel case against him was not a ground for annulment of the judgment convicting him for libel, is untenable. [15]

The petitioner's aforesaid contention assumes, as an established fact, that he became insane at the time of the trial of the said libel case. The rule in this jurisdiction is that when insanity is interposed as a defense or a ground of a motion to quash, the burden rests upon the accused to establish that fact, for the law presumes every man to be sane. Hence, in the absence of sufficient evidence to prove insanity, the legal presumption of one's sanity stands. [16] Otherwise stated, petitioner's claim of insanity at the time of the trial of the libel case against him is ineffectual in the absence of sufficient proof to overcome the presumption of sanity.

We agree with the findings and conclusion of the Court of Appeals that the petitioner's evidence is insufficient to prove his claim of insanity at the time of the trial in question. Hence, he is presumed to have been sane at the time of such trial. In resolving the petitioner's motion for reconsideration, the appellate court held:

" x x x. The certification dated December 18, 1990 issued by Dr. Pureza T. Onate x x x which states that the petitioner had been under professional care from November 1, 1989 to November 14, 1989, and describes the psychiatric diagnosis as: 'schizophrenic disorder, paranoid type' x x x was issued long after the trial of the case for libel had been terminated in 1981, and the case decided on February 1, 1982. While it also states that per psychiatric history, said Atty. Miguel R. Zosa, 'started to have some psychiatric problems sometime in 1981', the certification fails to specify the exact nature of the psychiatric problem, the duration thereof, nor the extent of the debilitating effect if any on one's professional competence. Moreover, Dr. Onate's competence to testify on this matter nine years after its supposed occurrence is doubtful." [17]

In connection with the contention of petitioner that the Court of Appeals should have received evidence to determine the correctness of Dr. Onate's finding that he became insane during the trial of the libel case, it would suffice to state that since his alleged insanity occurred sometime in 1989, i.e., nine (9) years after the libel case

was terminated and decided by the trial court, it would be next to impossible to determine in 1989 his mental condition as of that time (1981). Thus, in one case^[18] where the counsel for the accused prayed that the judgment of the lower court finding the accused guilty of the crime of murder, "be set aside and this case be remanded for trial with admonition to the lower court to order the submission of the accused to a psychiatric test to determine his sanity," this Court held:

"Considering that the defendant is charged of having killed Gloria Bulasa way back on September 29, 1966 -- or more than three years ago -- it is not possible now to ascertain the mental condition of the defendant as of the time when he committed the crime of which he is charged."

ACCORDINGLY, the petition should be, as it is hereby, DENIED. We find no reversible error in the questioned judgment of the Court of Appeals which is hereby AFFIRMED. Costs against the petitioner.

SO ORDERED.

Narvasa, C.J., (Chairman), Regalado, Nocon, and Puno, JJ., concur.

* Penned by Justice Minerva P. Gonzaga-Reyes with the concurrence of Justices Arturo B. Buena and Quirino D. Abad Santos, Jr.

[1] Rollo, p. 31

[2] Ibid., pp. 34, 63

[3] Ibid., p. 51

[4] Ibid., p. 72

[5] Ibid., p. 77

[6] Ibid., pp. 80, 99

[7] Ibid., p. 113

[8] Rollo, p. 82

[9] Ibid., p. 18

[10] Rollo, p. 17

[11] Rollo, pp. 18-19

[12] Ibid., p. 21

[13] Ibid., p. 26

[14] Rollo, p. 27

[15] It has been held that in cases where the accused was sane at the time of the commission of the offense but became insane at the time of the trial, the long established procedure is that the court is under a legal duty to suspend the criminal proceedings and commit the accused to a proper place of detention until his faculties are recovered. However, in passing upon the question of the propriety of suspending proceedings against an accused on the ground of insanity, the judge should bear in mind that not every aberration of the mind is sufficient to justify such suspension. The test is to be found in the question whether the accused would have a fair trial. (U.S.

vs. Guendia, 37 Phil. 338, 345)

[16] People vs. Bascos, 44 Phil. 204

[17] Rollo, p. 27

[18] People vs. Balondo, G.R. No. L-27401, 31 October 1969, 30 SCRA 155, 160

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