

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. VALERIO MARTINEZ, DEFENDANT AND APPELLANT.

G.R. No. 10889. March 21, 1916

Ponente: JOHNSON, J.

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JOHNSON, J.:

This defendant was charged with the crime of assassination. A complaint was presented in the court of the justice of the peace of the municipality of Balayan, Province of Batangas, on the 12th of October, 1914. A preliminary examination was held by said justice of the peace, at the close of which he found that there was reasonable ground to believe that the defendant was guilty of the crime charged, and held him for trial in the Court of First Instance of said province.

On the 20th of October, 1914, the prosecuting attorney of the Province of Batangas presented a complaint in the Court of First Instance, charging the defendant with the crime of assassination. The complaint alleged that:

"On or about October 12th of the present year, in the municipality of Balayan, Batangas, of the jurisdiction of this Court of First Instance, Paula Martinez, while bathing on the azotea of her house, was maliciously, criminally, and treacherously assaulted by her son-in-law the accused, when she was not expecting to be assaulted, the said accused inflicting upon her two wounds, which caused her death three hours after their infliction; an act committed in violation of law."

Upon said complaint the defendant was duly arraigned and pleaded not guilty. The cause was set down for trial and the prosecution and defense presented their proof. At the close of the trial the Honorable Vicente Jocson, judge, reached the conclusion that the defendant was guilty of the crime of assassination and rendered the following sentence:

"The charge preferred by the prosecution is for the crime of murder, but in view of all the circumstances, and considering that the assault made by Valerio Martinez upon his mother-in-law immediately after he was rebuked by her, cannot be deemed to have been premeditated (though it does, apparently, constitute treachery, inasmuch as the assaulted woman was old and unarmed; however this circumstance can be offset by the mitigating one of passion and obfuscation caused by his mother-in-law's rebuke), the crime must, for all these circumstances, be classified as simple homicide, comprised within and punished by article 404 of the Penal Code.

"Therefore, this court finds Valerio Martinez guilty of the crime of homicide and, consequently, sentences him to twelve years and one day of reclusion temporal and to the accessory penalties; to pay to the heirs of Paula Martinez the sum of P1,000, as an indemnity, and to pay the costs of this cause. So ordered."

From that sentence the defendant appealed, and in this court made the following assignments of error:

"First. The lower court erred in finding that the counsel for the accused based his client's defense on the theory that the accused was suffering from mental derangement at the time he committed the crime charged against him.

"Second. The trial court likewise erred in holding that the facts testified to by the witnesses of the accused were more or less invented by them, and that, even though they were true, they would not prove the accused's imbecility.

"Third. The trial court also erred in not granting any probatory value to the evidence regarding the reputation the accused possesses of being an imbecile.

"Fourth. The trial court also erred in finding that the witness Mariano Ramos is father of the accused.

"Fifth. The trial court also erred in allowing no probatory value to the testimony of Drs. Vivencio Ramos, Gregorio Limjoco, and Jose Lozada.

"Sixth. The trial court also erred in admitting the dying declaration of Paula Martinez, with respect to the condition of the accused's mental faculties.

"Seventh. The trial court likewise erred in holding that the accused voted in the general elections held in Balayan, and that he had contracted with the municipality to furnish it sand.

"Eighth. The trial court likewise erred in not finding the accused to be exempt from criminal liability."

With reference to said assignments of error, it may be noted that the first, second, third, fifth, and eighth relate to but one question, to wit: The mental condition or capacity of the defendant at the time the crime was committed. Upon the question of the mental capacity of the defendant many witnesses were examined during the trial of the cause. Practically all of such testimony related to a time prior to the commission of the crime charged. Very much of the testimony simply shows that the defendant was a degenerate. Very little of it tended to show that he did not at all times know exactly what he was doing. Several doctors were examined who had made a slight examination and observation of the mental condition of the defendant. No witness was examined who qualified as an expert in mental diseases.

After a careful analysis of the evidence and the conclusions of the lower court, who saw the defendant and heard the witnesses presented by the prosecution, as well as those for the defense, we are persuaded that the mental condition of the defendant, while it is sufficient perhaps to modify the penalty, was not such as to relieve him from all criminal responsibility. The lower court who saw the defendant during the entire trial of the cause, states that he made a careful observation of him for the purpose of discovering, if possible, his real mental condition, and that he observed nothing that would indicate that his mental condition was such as to relieve him from criminal responsibility. While the defendant, on many occasions before the commission of the crime which he admits he committed, did many things that would indicate that he was not of sound mind, such acts tend to show, however, that he was of a depraved mental character, rather than a man of unsound mind. The burden was upon him, having alleged mental unsoundness, to establish that fact. The law presumes that all men are sane, until the contrary is shown. We have decided that when a defendant in a criminal case interposes the defense of mental incapacity, the burden of establishing that fact rests upon him. (U. S. vs. Hontiveros Carmona, 18 Phil. Rep., 62.) In our opinion, the evidence adduced during the trial of the cause does not show that the mental condition of the defendant, at the time he committed the crime, was such as to relieve him from criminal responsibility.

In view of the foregoing conclusions, we deem it unnecessary to discuss the fourth, sixth, and seventh assignments of error. Without admitting that the record shows that the court committed the errors alleged in said assignments of error, we are of the opinion that they, in no way, could result in a reversal or modification of the sentence and judgment of the lower court.

The court a quo found that there existed the qualifying circumstance of treachery, but compensated that qualifying circumstance with the mitigating circumstance of obcecacion, and qualified the crime, by reason of said

compensating, mitigating circumstance, as the crime of homicide. In our opinion the evidence shows clearly that the defendant is guilty of the crime of assassination, with the qualifying circumstance of alevosia, and that the character of the crime should not be modified as indicated by the lower court. The court a quo imposed the penalty of 12 years and 1 day of imprisonment of reclusion temporal. Taking into consideration the facts and circumstances surrounding the commission of the crime, in relation with the mental condition of the defendant, in our opinion the sentence imposed by the lower court should be modified with the modification that the imprisonment should be cadena temporal instead of reclusion temporal. With that modification, the judgment and sentence of the lower court should be affirmed, with costs. So ordered.

Torres, Trent, and Araullo, JJ., concur.

Moreland, J., concurs in the result.

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