

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ALBERTO OCFEMIA Y MAIMOT, ACCUSED-APPELLANT.*G.R. No. 126135. October 25, 2000*

Ponente: GONZAGA-REYES, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-126135/>**GONZAGA-REYES, J.:**

On September 26, 1995, Alberto Ocfemia y Maimot was charged with the crime of murder, as defined and penalized under Article 248 of the Revised Penal Code, committed as follows:

"That on or about the 22[nd] day of September 1995 in the City of Makati, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused with intent to kill and with treachery and evident premeditation did then and there willfully, unlawfully and feloniously stabbed one Miriam Reyes with a knife on the different parts of her body thereby inflicting mortal wounds upon the latter which directly caused her untimely death.

CONTRARY TO LAW."[1]

The accused-appellant was accused of stabbing his maid, Miriam Reyes, 16 years old, who was dead upon arrival at the Rizal Medical Center in Pasig, where she was brought after the stabbing incident on September 22, 1995.

Upon arraignment on November 13, 1995, accused-appellant, assisted by counsel, and after being informed of the consequences of his plea, pleaded guilty to the offense charged. On November 17, 1995, the Court issued an order, in accordance with Section 3, Rule 116 of the Rules of Court, setting the case for hearing so as to conduct a searching inquiry into the voluntariness and full comprehension of the consequences of his plea of guilty. The prosecution was ordered to prove the guilt of the accused-appellant and his precise degree of culpability.

The prosecution presented Margie Ocfemia, the live-in partner of the accused-appellant Alberto.

The testimony of Margie Ocfemia was summarized by the trial court as follows:

"She testified that on November 22, 1995, at 10:00 in the morning, in her house at No. 14 Herrera Street, Group 9, Zone 14, Pembo, Fort Bonifacio, Makati City, their maid, Miriam Reyes, 16 years old, single, complained to her that accused Alberto Ocfemia, touched her (Miriam Reyes) private part. She confronted accused Alberto Ocfemia. When confronted, accused admitted touching the private part of Miriam Reyes. When night came, accused talked with Miriam Reyes, asking Miriam Reyes not to tell of what he (accused Ocfemia) did to her, to her brother and the brothers of Margie. Miriam Reyes refused, telling accused that she has to tell what he (accused) did to her, to her "mga kapatid". Later that evening, accused Alberto Ocfemia, told the members of the household to go to sleep. They all complied. While Margie was lying, she noticed that accused Ocfemia was taking coffee, smoking and roaming around the house. At 11:00 that evening, while Miriam Reyes, the maid, was lying on her side (nakagilid) and asleep, accused stabbed Miriam several times. Miriam shouted asking for help. Margie brought Miriam Reyes to the hospital, arriving in the hospital at 12:30 in the morning. The doctor who attended Miriam Reyes tried to save her life, but at 12:45 in the morning, she passed away."[2]

The prosecution also presented Dr. Ferdinand Gonzalez of Rizal Medical Center, Dr. Emmanuel Aranas, Medico-Legal Officer of the PNP Crime Laboratory, who conducted medico-legal examination on the cadaver of the victim, and Lorna Reyes, the sister of Miriam, who testified on the expenses for the hospital, wake and the interment.

Before the reception of the evidence of the defense, accused-appellant through counsel filed a motion praying that his plea of guilty be withdrawn as it was improvidently made. The motion was granted and the accused-appellant entered a plea of not guilty. The accused-appellant thereafter testified in his defense stating, in the words of the court, as follows:

"He testified that on September 22, 1995, in the morning, he was at his place of work as "cantero" at Hemady Street, Quezon City, starting working (sic) thereat from 7:00 in the morning up to 6:00 in the evening. He left his place of work at 7:00 in the evening because he waited for his salary. From his place of work at Hemady Street, Quezon City, he boarded a vehicle for Cubao and from Cubao, he boarded another vehicle, going to Crossing, arriving at his home at around 11:00 in the evening because of heavy traffic. Upon reaching home, he met his wife Margie and maid Miriam Reyes. Upon arrival at his house, he sat on a bench. While sitting on a bench, his wife approached him, telling him that their maid, Miriam Reyes will be leaving the following day. He asked his maid why she is leaving. After asking his maid why she is leaving, he went out of his house. He cannot tell in what place he went, all that he noticed was he was far away from home and noticed that he was near the chapel of the Mormons in Tambac, Taguig. He does not know how he got there. He cannot even tell whether he took a ride in going to that place. All that he could recall was, the fare in going to that chapel and going back, was P1.50. When he realized that he was in front of Mormons Chapel, he went back home by boarding a jeepney. On his way home, he passed by his brother Oscar's house which is a block away from his house. In his brother's house, his brother asked him what his problem was. He did not answer because he was thinking why he was far from his house. His brother mentioned to him something like "Wala na patay na" and referred to him as the one who killed Miriam. At the time he was talking with his brother, he did not know who killed Miriam. At his brother's house he was arrested by the police and brought to his house. At home, he noticed that his house was "magulo". His wife was not at home. He pleaded guilty because at that time, his mind was confused."[3]

After his testimony, the accused-appellant through counsel prayed that he be subjected to psychiatric examination. The court ordered counsel to file his motion in writing. The written motion filed on May 20, 1996, states:

"01. THAT after herein accused terminated his direct and cross examinations, the undersigned counsel requested for the issuance of an order from the Honorable Court that the accused be subjected to a psychiatric examination; this was upon the manifestation of the undersigned counsel that they have envisioned to interpose INSANITY as their defense;

0.2 THAT the Honorable Court called the attention of the undersigned counsel that this should have been known to the Court earlier in order that a reversed trial should have been undertaken; vis-a-vis the observation of the Honorable Court, the defense admitted that it failed to do so, but sought refuge under the mantle of SUBSTANTIAL JUSTICE; and the Honorable Court directed the filing of the instant motion;

0.3 THAT this motion finds justification on the fact that during the stabbing, he appeared to have acted without the least discernment and that he was unable to perceive and to exercise proper judgment at the time of the commission of the act in issue.

0.4 THAT it is respectfully requested that an order be issued directing the examination of the accused by the NATIONAL CENTER FOR MENTAL HEALTH; and, pending the requested examination and the submission of the report thereon, it is respectfully requested that the proceedings in this case be held in abeyance.

0.5 THAT this is not intended to delay the administration of justice on this case, but only because of the

foregoing reason."[4]

The prosecution opposed the above-stated motion alleging inter alia, that: "

XXX

XXX

XXX

5) That there has been a complete absence of Evidence that there is a history of insanity on the part of the accused prior to the commission of the offense;

6) There has been no oral or documentary evidence to lay the predicate that the accused was previously insane;

7) That a person is presumed to be of sound mind (sane);

8) That the defense of insanity which the accused would now put up as his defense is completely opposite his earlier defense of denial and alibi when he testified in Court last April 22, 1996;

9) Consequently, the accused cannot interpose the defense of alibi and denial and at the same time claim that he is insane because the defense of insanity admits the commission of the offense only that he committed it when he was insane."[5]

The trial court denied the motion of the accused-appellant that he be examined by a psychiatrist, reasoning that:

"This Court does not find merit in the plea of the accused, thru his counsel, that he should be examined by a Psychiatrist to determine his mental condition at the time of the commission of the offense, because:

1) When arraigned, accused assisted by counsel, voluntarily pleaded guilty;

2) When arraigned his plea of guilt, this Court conducted a searching inquiry to determine voluntariness and full comprehension of the consequences of his plea, still accused insisted in pleading guilty;

3) At the time of arraignment accused appeared be of sound mental condition; understood the nature of the charge against him, and could intelligently enter a plea, otherwise, this Court will order the suspension of arraignment;

4) Accused already testified in his defense; and, during his testimony, this Court finds no justification to submit him for psychiatric examination;

5) Moreover, before his arraignment, and during the hearing, there was no slightest insinuation by accused and counsel that he was insane at the time of the commission of the offense; and

6) It was only after accused testified that he would like to be mentally examined."[6]

The trial court handed down its judgment[7] dated September 4, 1996, finding the accused-appellant guilty of murder as charged in the information, qualified by treachery, and aggravated by evident premeditation and the accused-appellant's private relations with the victim, who was his maid. The dispositive portion of the judgment reads:

"WHEREFORE, the Court finds accused Alberto Ocfemia y Maimot guilty beyond reasonable doubt, as principal, of the crime of murder as charged in the Information, qualified by treachery, attended by two generic aggravating circumstances of evident premeditation and accused's private relations with the victim, the latter being his maid and pursuant to Article 248, in relation to Article 62, part. 3 of the Revised Penal Code as amended by R. A. 7659, he is hereby sentenced to suffer the penalty of death, and indemnify Lorna Reyes, the sum of P27,000.000; and the heirs of Miriam Reyes, the sum of P50,000.00, plus costs.

SO ORDERED."

The case is now before us on automatic review.

In his appellant's brief, the accused raises the following assignment of errors:

"A

THE TRIAL COURT ERRED IN NOT ALLOWING THE ACCUSED TO BE EXAMINED BY THE NATIONAL CENTER FOR MENTAL HEALTH TO ESTABLISH THE MENTAL CONDITION OF THE ACCUSED DURING AND AFTER THE COMMISSION OF THE CRIME.

B

THE TRIAL COURT ERRED IN CONSIDERING THE ACCUSED AS HAVING FEIGNED INSANITY.[8]

which were jointly discussed being "closely intertwined".

Counsel for accused-appellant submits that there were indications of a mental dysfunction as personally observed and perceived by him, which prompted the accused-appellant to change the plea of guilty to a plea of non-guilty, and that because "the accused-appellant continuously showed signs of mental infirmity during his direct examination", he was prompted to request the court that the accused-appellant be allowed to undergo a psychiatric examination. Before the trial court could declare that the accused-appellant was "feigning insanity", a psychiatric study, it is claimed, should be made on his alleged mental malady.

The Solicitor General asks for an affirmance of the judgment of conviction. He claims that it is too late in the day for the accused-appellant to question the denial of his motion for psychiatric examination as he rested his case after the denial of the motion and submitted the issue of his guilt or non-guilt for the resolution of the trial court. Moreover, there is no showing, "even in the slightest extent", that appellant was in any way insane or mentally impaired prior to or on or about the time the offense was committed. Further, a psychiatric examination now would not serve any useful purpose anymore considering that the stabbing incident took place almost three years ago. With respect to the evidence to establish the guilt of the accused-appellant, the Solicitor General seeks an affirmance of the finding of the trial court on the sufficiency of the evidence to establish the same.

In his Reply Brief, the accused-appellant, now represented by the Public Attorney's Office, stresses that the signs of mental dysfunction, as personally observed by his private counsel, during the direct examination, indicate the importance of the requested psychiatric examination to prove the exempting circumstance of insanity. The reply brief prays for an acquittal.

In asking for a reversal of the judgment of conviction, accused-appellant assails the rejection by the trial court of his request to be subjected to mental examination, thus:

"When the accused manifested signs of mental dysfunctions such as, his changeable dispositions during the proceedings as shown by his insistence to a plea of guilty, only for him to change this plea to that of not guilty; his demeanor and manifestations before the undersigned counsel showing his incoherence and flight of ideas during those times that counsel had the chance to interview the accused; his lack of knowledge where he was at the time of the incident as testified to by the accused himself during his direct examination; his lack of knowledge as to who killed the victim when he was confronted by his brother Cesar on the night of the stabbing; and, has lack of concern on what was happening during the proceedings, made and constrained his counsel to entertain the serious suspicion and observation that accused must be suffering from a certain degree of mental defect. And, such defect must have impaired and affected his voluntariness in giving his plea of guilty. Further, such mental infirmity must have denied him that comprehension of a normal individual of the

consequences of his plea of guilty." [9]

and claims that the trial court's declaration that he was "feigning insanity" was not proper where no psychiatric study was made on his alleged mental malady.

We are not convinced by the accused-appellant's submission. There is no cogent justification to reverse the finding of the trial court that accused-appellant was of sound mental condition at the time of his arraignment, and that during the hearing where the accused-appellant testified in his defense, there was "no slightest insinuation" by accused-appellant and counsel that he was insane at the time of the commission of the offense.

Notably, accused-appellant did not question the denial of his motion for psychiatric examination and simply rested his case.

The belated perception that accused-appellant could be insane was based on the observation made by his own counsel of his statements and demeanor at the witness stand during his direct testimony, specifically his "changeable dispositions" during the proceedings as shown by his insistence on a plea of guilty only for him to change this plea to that of not guilty, his lack of knowledge of where he was at the time of the stabbing incident and as to who killed the victim. Counsel claims that the accused-appellant showed "incoherence and flight of ideas" during those times that he had the chance to interview the accused-appellant.

We are not impressed.

Article 12(1) of the Revised Penal Code provides that an insane person is exempt for criminal liability unless he has acted during a lucid interval. Under Article 80 of the Civil Code, the presumption is that every man is sane; anyone who pleads the exempting circumstance of insanity bears the burden of proving that he was completely deprived of reason when he committed the crime charged. [10] Mere abnormality of his mental faculties does not exclude imputability. [11] It is equally well-settled that proof of the accused-appellant's insanity must relate to the time preceding or coetaneous with the commission of the offense with which he is charged; the mental illness that could diminish his ill power should relate to the time immediately preceding or during the commission of the crime. [12]

We reject accused-appellant's insistence that the trial court committed reversible error in denying his request to be subjected to psychiatric examination. To begin with, the defense of insanity was not raised at the earliest opportunity; it was raised only after the accused-appellant had testified in his defense. He declared that he reached home from work at around 11:00 o'clock in the evening of September 22, 1995 and was informed by his wife that Miriam was killed. He testified that he did not know who killed her. On cross-examination, he stated that at the time he pleaded guilty upon arraignment, he was confused and did not know anything about the case. [13] The invocation of denial and alibi as his defense indicates that he was in full control of his mental faculties. It has been held that a shift in theory by the defense, from denial and alibi to a plea of insanity, made apparently after realizing the futility of his earlier defense, is a clear indication that his defense is a mere concoction. [14] Moreover, the eyewitness account of the accused-appellant's common-law wife of five (5) years never mentioned any indication that the accused-appellant could not have been in his right mind when he committed the crime, and renders the theory of insanity doubtful. The eyewitness stated that prior to stabbing the victim, the accused-appellant told the members of the household to go to sleep while he walked around the room, smoking and drinking coffee, that the accused-appellant also told Margie not to tell his brothers and the brother of Miriam that she touched the private parts of the victim. Such actuations are hardly the actuations of a man not in full possession of his mental faculties. Although the accused-appellant testified that he could not recall how he reached the Mormon chapel in Taguig, after leaving his house at around 11:00 o'clock p.m. on September 22, 1995, and could not recall at what time he reached the house of his brother, who informed him that Miriam was

stabbed, he failed to ask who was the killer and merely surrendered to the policemen.[15] We agree with appellee that his professed inability to recall events before and after the stabbing incident does not necessarily indicate an aberrant mind but is more indicative of a concocted excuse to exculpate himself. We find no cogent reason to disturb the trial court's conclusion that the accused-appellant was feigning insanity to justify his application for mental examination when he testified that when he left home in the evening of September 22, 1995, he was confused and lost his direction.

The fact that the accused-appellant originally pleaded guilty and thereafter changed his plea to "not guilty" does not support a claim that there were indications of "mental dysfunction". It is not uncommon for an accused to change his plea. In this case, upon his own motion, the court allowed the accused to withdraw his plea of guilt and enter a plea of not guilty. Hence, an examination as to the voluntariness of his plea of guilt is no longer in order.

As above-stated, we are convinced that the trial court did not err in convicting the accused-appellant of murder qualified by treachery. The eyewitness testified that Miriam was stabbed several times while she was lying down on her side and asleep. The crime was committed employing means or method in the execution thereof which tend directly and especially to insure its execution, without risk to the offender arising from the defense which the offended party might make.[16]

However, we do not agree that the crime was committed with evident premeditation. The rule is that the aggravating circumstance of evident premeditation is satisfactorily established only if it is proved that the defendant had deliberately planned to commit the crime and had persistently and continuously followed it notwithstanding that he had ample time to allow his conscience to overcome the determination of his will, if he had so desired after meditation and reflection. This circumstance is not proven where there is no evidence, as in this case, as to the time when the defendant decided to kill the victim. Nowhere is there an indication in the testimony of the lone eyewitness, as to when the accused-appellant decided to stab the victim, or as to the time that lapsed after the accused-appellant planned to kill the deceased up to the time that the killing took place, that would establish that there was sufficient or substantial period of time that lapsed after he conceived of the idea of attacking the deceased and the actual perpetration of the crime. The element of sufficient time is necessary to show that his decision is the result of the calculation, or reflection, or persistent attempt.[17]

Neither is there present an aggravating circumstance of "private relations of accused-appellant with the offended party" arising from the fact that the victim was the maid of the accused-appellant. The alternative circumstance of relationship shall be taken into consideration only when the offended party is the spouse, ascendant, descendant, legitimate, natural or adopted brother or sister, or relative by affinity in the same degree of the offender.[18] Article 62 paragraph 3, cited by the trial court, is not in point. It states:

"Article 62. Effects of attendance of mitigating or aggravating circumstances and of habitual delinquency. Mitigating or aggravating circumstances and habitual delinquency shall be taken into account for the purpose of diminishing or increasing the penalty in conformity with the following rules:

xxx

xxx

xxx

- Aggravating or mitigating circumstances which arise from the moral attributes of the offender, or from his private relations with the offended party, or from any other personal cause, shall only serve to aggravate or mitigate the liability of the principals, accomplices and accessories as to whom such circumstances are attendant."

It is clear that Article 62 merely states the rule for the application of penalties with respect to, among others, the aggravating circumstance of relationship, as this is defined in Article 15, by limiting the effect of the attendance of such aggravating circumstance to the principal, accomplice or accessory to whom such circumstance is attendant. Article 62 does not purport to define or establish an aggravating or mitigating circumstance arising from the offender's private relations with the offended party such as the relationship of a master to a maid. It merely specifies the effect of an attendant circumstance of relationship, as this is defined in Article 15.

Accordingly, the crime is murder with no aggravating circumstance which can be appreciated to increase the penalty. The imposable penalty under Article 248 as amended by RA 7659 is reclusion perpetua to death. In the absence of either aggravating or mitigating circumstances, the penalty prescribed is reclusion perpetua.[19]

WHEREFORE, the judgment finding Alberto Ocfemia y Maimot guilty beyond reasonable doubt of the crime of murder, qualified by treachery, is affirmed with the modification that the penalty imposed is reclusion perpetua. The awards of P27,000.00 as actual damages and the sum of P50,000.00 as moral damages are also affirmed.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Melo, Puno, Vitug, Mendoza, Panganiban, Quisumbing, Purisima, Pardo, Buena, Ynares-Santiago, and De Leon, JJ., concur.

Kapunan, J., on leave.

[1] Records, p. 1.

[2] Id., p. 166.

[3] Id., p. 168.

[4] Id., p. 169.

[5] Id., p. 170.

[6] Id., p. 171.

[7] Penned by Judge Roberto C. Diokno.

[8] Appellant's Brief; Rollo, p. 52.

[9] Id., p. 53.

[10] People vs. Ambal, 100 SCRA 325; People vs. Renegado, 57 SCRA 275; People vs. Cruz, 109 SCRA 288; People vs. Madarang, G. R. No. 132319, prom. May 12, 2000.

[11] People vs. Bañez, 301 SCRA citing People vs. Formigones, 87 Phil. 658.

[12] People vs. Aldemita, 145 SCRA 451; People vs. Villa, Jr., G. R. No. 129899 prom. April 27, 2000; People vs. Madarang, G. R. No. 132319, prom. May 12, 2000.

[13] TSN, May 13, 1996, at pp. 4-7.

[14] People vs. Balgos, G. R. No. 126115, January 26, 2000 citing People vs. Trimor, 243 SCRA 129; People vs. Amamangpang, 291 SCRA 638; People vs. Pambid, G. R. No. 124453 prom. March 15, 2000.

[15] TSN, May 13, 1996, p. 17-24.

[16] Article 14, Revised Penal Code.

[17] People vs. Sarmiento, 8 SCRA 263; People vs. Bautista, 79 Phil. 652.

[18] Article 15, Revised Penal Code.

[19] Article 63, par. 2, Ibid.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.