

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ENRICO A. VALLEDOR, ACCUSED-APPELLANT.

G.R. No. 129291. July 03, 2002

Ponente: YNARES-SANTIAGO, J.

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YNARES-SANTIAGO, J.:

This is an appeal from the decision[1] of the Regional Trial Court of Palawan and Puerto Princesa City, Branch 47, in Criminal Case Nos. 9359, 9401, and 9489, convicting accused-appellant of the crimes of murder, attempted murder and frustrated murder, respectively.

The informations filed against accused-appellant read:

In Criminal Case No. 9359, for murder:

That on or about the 6th day of March, 1991, in the afternoon, at Barangay Tagumpay, Puerto Princesa City, Philippines, and within the jurisdiction of this Honorable Court, the said accused, with treachery and evident premeditation, with intent to kill and while armed with a knife, did then and there willfully, unlawfully and feloniously assault, attack and stab therewith one Elsa Villon Rodriguez thereby inflicting upon the latter stabbed (sic) wound on the chest, which was the immediate cause of her death.

CONTRARY TO LAW.[2]

In Criminal Case No.9401, for attempted murder:

That on or about the 6th day of March, 1991, in the afternoon, at Bgy. Tagumpay, Puerto Princesa City, Philippines and within the jurisdiction of this Honorable Court, the said accused, with intent to kill, with treachery and evident premeditation (sic) and while armed with a knife, did then and there willfully, unlawfully and feloniously assault, attack and stab therewith one Ricardo Maglalang thereby inflicting upon the latter physical injuries on the different parts of his body, thus commencing the commission of the crime of murder directly by overt acts and does not perform all the acts of execution which would produce the felony by reason of some causes or accident other than his own spontaneous desistance that is, by the timely and able medical assistance rendered to said Ricardo Maglalang which prevented his death.

CONTRARY TO LAW.[3]

In Criminal Case No.9489, for frustrated murder:

That on or about the 6th day of March, 1991 at Bgy. Tagumpay, Puerto Princesa City, Philippines and within the jurisdiction of this Honorable Court the above-named accused, with intent to kill with treachery and evidence (sic) premeditation and while armed with a butcher knife, did then and there willfully, unlawfully and feloniously assault, attack and stab therewith on (sic) Roger Cabiguen, hitting him on his right forearm, thus performing all the acts of execution which produce the crime of murder as a consequence but which nevertheless did not produce it by reason of causes independent of his will, that is, by the timely and able medical attendance rendered to him which saved his life.

CONTRARY TO LAW.[4]

After his arrest, accused-appellant was intermittently confined at the National Center for Mental Health. Thus, he was arraigned only on February 19, 1993 wherein he pleaded not guilty.[5] Thereafter, the cases were archived until November 15, 1994, when accused-appellant was declared mentally fit to withstand trial.[6] This time, accused-appellant admitted commission of the crimes charged but invoked the exempting circumstance of insanity. The lower court thus conducted reverse and joint trial, at which the following facts were established:

On March 6, 1991, at around 1:45 in the afternoon, Roger Cabiguen was in his house at Burgos Street, Barangay Tagumpay, Puerto Princesa City. He was working on a lettering job inside his bedroom together with his first cousin, then 25-year old Elsa Rodriguez, and his friends, Simplicio Yayen and Antonio Magbanua. Roger was working at his table and seated on his bed while Elsa was across the table. Antonio was on the left side, while Simplicio was seated near the door, on the right side of Roger.[7]

All of a sudden, accused-appellant entered the room; uttered Roger's nickname ("Jer") and immediately attacked him with a knife, but Roger was able to parry the thrust and was stabbed instead on the right forearm. Accused-appellant then stabbed Elsa Rodriguez on the chest and said, "Ako akabales den, Elsa." (I had my revenge, Elsa). Thereafter, accused-appellant fled, leaving the stunned Simplicio and Antonio unharmed.[8]

Roger and Elsa were immediately brought to the hospital. On their way out, Antonio noticed a commotion and saw that Ricardo Maglalang, a neighbor of the victim, was wounded. Antonio learned from the by-standers that Ricardo was likewise stabbed by accused-appellant.[9]

Upon reaching the hospital, Elsa was declared dead on arrival. Roger on the other hand was treated for the 5-centimeter wound sustained by him on his right forearm.[10]

Prosecution witness Roger Cabiguen testified that sometime in 1980, accused-appellant suspected him of killing his pet dog. In 1989, accused-appellant courted Elsa but she jilted him. On one occasion, Elsa spat on and slapped accused-appellant.[11]

Accused-appellant's defense of insanity was anchored on the following facts:

Accused-appellant, then 30 years of age, was a resident of Barangay Tagumpay, Puerto Princesa City, and employed as provincial jail guard at the Palawan Provincial Jail. Sometime in January 1990, Pacita Valledor, his mother noticed that accused-appellant was behaving abnormally. For days he was restless and unable to sleep. He likewise complained that their neighbors were spreading rumors that he was a rapist and a thief. This prompted Pacita to bring his son to Dr. Deriomedes de Guzman, a medical practitioner. Pacita disclosed to Dr. de Guzman that insanity runs in their family. After examining accused-appellant, Dr. de Guzman diagnosed him as suffering from "psychosis with schizophrenia." [12] He prescribed a depressant known as Thoracin, which kept accused-appellant sane for a period two months.[13]

On March 4, 1991, Pacita noticed that accused-appellant was again acting strangely. She left to buy Thoracin but when she returned he was nowhere to be found.[14]

On March 6, 1991, at around 6:00 in the morning, accused-appellant was seen swimming across the river of Barangay Caruray, San Vicente, Palawan. Barangay Captain Rufino Nuñez and Barangay Councilman Antonio Sibunga took accused-appellant out of the water and took him on board a pump boat. Inside the boat, accused-appellant kept on crying and uttering words to the effect that his family will be killed. Suspecting that accused-appellant was mentally ill, Barangay Captain Nuñez, asked Councilman Sibunga to accompany accused-appellant to Puerto Princesa City. Sibunga acceded and thereafter took a jeepney with accused-appellant at Barangay Bahile. At about 1:00 in the afternoon, they reached Junction I at the intersection of the National

Highway and Rizal Avenue, Puerto Princesa City. Suddenly, accused-appellant jumped off the jeepney. Sibunga tried but failed to chase accused-appellant, who immediately boarded a tricycle. Later that day, he learned that accused-appellant killed and harmed somebody.[15]

Meanwhile, at around 2:00 in the afternoon of March 6, 1991, Pacita Valledor was awakened by her daughter who told her that accused-appellant has returned. She rushed out of the house and saw him standing in the middle of the road, dusty and dirty. She asked him where he came from but his answer was “Pinatay niya kayong lahat.” Pacita dragged him inside the house and later learned that he killed and wounded their neighbors. Thirty minutes later, accused-appellant was arrested and detained at the city jail.[16]

On March 11, 1991, Dr. Manuel Bilog, City Health Officer I of Puerto Princesa City interviewed accused-appellant and thereafter made the following conclusions and recommendation, to wit:

PHYSICAL EXAMINATION:

Cooperative; talkative but incoherent
Disoriented as to time, place and person

DISPOSITION AND RECOMMENDATION:

Respectfully recommending that subject patient be committed to the National Mental Hospital, Metro Manila for proper medical care and evaluation soonest.[17]

The defense offered in evidence the April 27, 1992 medical findings on accused-appellant by Dr. Guia Melendres of the National Center for Mental Health, pertinent portion of which reads:

REMARKS AND RECCOMENDATION:

In view of the foregoing history, observations, physical mental and psychological examinations the patient Enrico Valledor y Andusay is found suffering from Psychosis or Insanity classified under Schizophrenia. This is a thought disorder characterized by deterioration from previous level of functioning, auditory hallucination, ideas of reference, delusion of control, suspiciousness, poor judgment and absence of insight.

Likewise, he is found to be suffering from Psychoactive Substance Use Disorder, Alcohol, abuse. This is characterized by a maladaptive pattern of psychoactive substance use indicated by continued use despite knowledge of having a persistent or recurrent social, occupational, psychological or physical problems.[18]

Dr. Oscar Magtang, a psychiatrist assigned at the Medical Service of the PNP, Puerto Princesa City was likewise presented by the defense to interpret the aforesaid findings of Dr. Melendres.[19]

On February 28, 1997, the trial court rendered the assailed judgment of conviction. The dispositive portion thereof reads:

WHEREFORE, premises considered, the accused ENRICO A. VALLEDOR is hereby found guilty beyond reasonable doubt of the crimes of MURDER in Criminal Case No. 9359; of FRUSTRATED MURDER in Criminal Case No. 9489; and of ATTEMPTED MURDER in Criminal Case No. 9401 as charged herein. Accordingly he is hereby sentenced to suffer the penalty of reclusion perpetua in Criminal Case No. 9359; reclusion perpetua in Criminal Case No. 9489; and imprisonment of from EIGHT (8) YEARS and ONE (1) DAY to TEN (10) YEARS in Criminal Case No. 9401. It is understood that the accused shall serve these penalties successively or one after the other.

The accused is also ordered to indemnify the heirs of the deceased victim Elsa Villon Rodriguez the sum of P50,000.00 and to indemnify the victim Roger Cabiguen, the sum of P14,000.00 as actual damages, and the sum P15,000.00 for loss of income.

Considering that the accused is found to be suffering from a serious mental disorder at present as certified to by the National Center for Mental Health, Mandaluyong City, Metro Manila, the service of his sentence is hereby ordered SUSPENDED pursuant to Article 12 and 79 of the Revised Penal Code. He (Enrico Valledor) is ordered shipped to and confined at the National Center for Mental Health, Mandaluyong City, Metro Manila, for his treatment, until such time that he becomes fit for the service of his sentence at the national penitentiary, Muntinlupa, Metro Manila. As to his civil liability, the same is subject to execution after this judgment shall have become final executory.

IT IS ORDERED.[20]

Accused-appellant interposed this appeal and raised the lone assignment of error that:

THE LOWER COURT ERRED IN CONVICTING THE ACCUSED DESPITE THE FACT THAT WHEN HE ALLEGEDLY COMMITTED THE OFFENSE CHARGED HE WAS MENTALLY ILL, OUT OF HIS MIND OR INSANE AT THE (sic) TIME.[21]

The appeal has no merit.

In considering a plea of insanity as a defense, the starting premise is that the law presumes all persons to be of sound mind. Otherwise stated, the law presumes all acts to be voluntary, and it is improper to presume that acts were done unconsciously.[22]

In *People v. Estrada*,[23] it was held that:

In the eyes of the law, insanity exists when there is a complete deprivation of intelligence in committing the act. Mere abnormality of the mental faculties will not exclude imputability. The accused must be "so insane as to be incapable of entertaining a criminal intent." He must be deprived of reason and act without the least discernment because there is a complete absence of the power to discern or a total deprivation of freedom of the will.

Since the presumption is always in favor of sanity, he who invokes insanity as an exempting circumstance must prove it by clear and positive evidence. And the evidence on this point must refer to the time preceding the act under prosecution or to the very moment of its execution.

Insanity is evinced by a deranged and perverted condition of the mental faculties which is manifested in language and conduct. An insane person has no full and clear understanding of the nature and consequences of his acts. Hence, insanity may be shown by the surrounding circumstances fairly throwing light on the subject, such as evidence of the alleged deranged person's general conduct and appearance, his acts and conduct consistent with his previous character and habits, his irrational acts and beliefs, as well as his improvident bargains. The vagaries of the mind can only be known by outward acts, by means of which we read thoughts, motives and emotions of a person, and through which we determine whether the acts conform to the practice of people of sound mind.[24]

In the case at bar, accused-appellant failed to discharge the burden of overcoming the presumption of sanity at the time of the commission of the crime. The following circumstances clearly and unmistakably show that accused-appellant was not legally insane when he perpetrated the acts for which he was charged: 1) Simplicio Yayen was positioned nearest to accused-appellant but the latter chose to stab Roger and Elsa; 2) Accused-appellant called out the nickname of Roger before stabbing him; 3) Simplicio Yayen and Antonio Magbanua who were likewise inside the room were left unharmed; 4) Accused-appellant, a spurned suitor of Elsa, uttered the words, "Ako akabales den, Elsa." (I had my revenge, Elsa) after stabbing her; and 5) Accused-appellant hurriedly left the room after stabbing the victims.

Evidently, the foregoing acts could hardly be said to be performed by one who was in a state of a complete

absence of the power to discern. Judging from his acts, accused-appellant was clearly aware and in control of what he was doing as he in fact purposely chose to stab only the two victims. Two other people were also inside the room, one of them was nearest to the door where accused-appellant emerged, but the latter went for the victims. His obvious motive of revenge against the victims was accentuated by calling out their names and uttering the words, "I had my revenge" after stabbing them. Finally, his act of immediately fleeing from the scene after the incident indicates that he was aware of the wrong he has done and the consequence thereof.

Accused-appellant's acts prior to the stabbing incident to wit: crying; swimming in the river with his clothes on; and jumping off the jeepney; were not sufficient to prove that he was indeed insane at the time of the commission of the crime. As consistently held by this Court, "A man may act crazy but it does not necessarily and conclusively prove that he is legally so." [25] Then, too, the medical findings showing that accused-appellant was suffering from a mental disorder after the commission of the crime, has no bearing on his liability. What is decisive is his mental condition at the time of the perpetration of the offense. Failing to discharge the burden of proving that he was legally insane when he stabbed the victims, he should be held liable for his felonious acts.

In Criminal Case No. 9489, accused-appellant should be held liable only for attempted murder and not frustrated murder. The wound sustained by Roger Cabiguen on his right forearm was not fatal. The settled rule is that where the wound inflicted on the victim is not sufficient to cause his death, the crime is only attempted murder, since the accused did not perform all the acts of execution that would have brought about death. [26]

Pursuant to Article 51 of the Revised Penal Code, the penalty to be imposed upon the principal of an attempted crime shall be lower by two degrees than that prescribed for the consummated felony. Before its amendment by R.A. No. 7659, Article 248 provided that the penalty for murder was reclusion temporal in its maximum period to death. Under Article 61(3), the penalty two degrees lower would be prision correccional maximum to prision mayor medium. As there is no modifying circumstance, the medium period of the penalty, which is prision mayor minimum, should be imposed. Under the Indeterminate Sentence Law, accused-appellant is entitled to a minimum penalty of arresto mayor in its maximum period to prision correccional in its medium period, the penalty next lower than the penalty for attempted murder. [27]

For the murder of Elsa Rodriguez, in Criminal Case No. 9359, the trial court correctly imposed upon accused-appellant the penalty of reclusion perpetua, considering that no aggravating or mitigating circumstance was proven by the prosecution.

Accused-appellant's civil liability must be modified. Not being substantiated by evidence, the award of P14,000.00 as actual damages, and P15,000.00 for loss of income, to Roger Cabiguen in Criminal Case No. 9489, should be deleted. However, in lieu thereof, temperate damages under Article 2224 of the Civil Code may be recovered, as it has been shown that Roger Cabiguen suffered some pecuniary loss but the amount thereof cannot be proved with certainty. For this reason, an award of P10,000.00 by way of temperate damages should suffice. [28]

In addition to the amount of P50,000.00 as civil indemnity which was properly awarded by the trial court in Criminal Case No. 9359, the heirs of Elsa Rodriguez are entitled to another P50,000.00 as moral damages which needs no proof since the conviction of accused-appellant for the crime of murder is sufficient justification for said award. [29] The heirs of the deceased are likewise entitled to the amount of P29,250.00 representing actual damages [30] based on the agreement of the parties. [31]

WHEREFORE, in view of all the foregoing, the decision of the Regional Trial Court of Palawan and Puerto Princesa City, Branch 47, is MODIFIED as follows:

- In Criminal Case No. 9359, accused-appellant Enrico A. Valledor is hereby found guilty beyond reasonable

doubt of the crime of murder and is sentenced to suffer the penalty of reclusion perpetua; and to indemnify the heirs of the deceased Elsa Rodriguez the following amounts: P50,000.00 as civil indemnity, P50,000.00 as moral damages and P29,250.00 as actual damages;

- In Criminal Case No. 9489, accused-appellant is found guilty beyond reasonable doubt only of the crime of attempted murder and is sentenced to an indeterminate penalty of four (4) years and two (2) months of prision correccional, as minimum, to eight (8) years of prision mayor, as maximum; and to indemnify Roger Cabiguen in the amount of P10,000.00 by way of temperate damages;

- In Criminal Case No. 9401, accused-appellant is found guilty beyond reasonable doubt of the crime of attempted murder and is sentenced to an indeterminate penalty of four (4) years and two (2) months of prision correccional, as minimum, to eight (8) years of prision mayor, as maximum.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Vitug, Kapunan, and Austria-Martinez, JJ., concur.

[1] Penned by Judge Eustaquio Z. Gacott, Jr.

[2] Rollo, p. 12.

[3] Rollo, p. 13.

[4] Rollo, p. 14.

[5] Records, p. 54.

[6] Records, p. 110.

[7] TSN, September 26, 1995, pp. 24-27; November 17, 1995, p. 10.

[8] TSN, September 26, 1995, pp. 28-32; 36-41.

[9] TSN, November 17, 1995, p. 19.

[10] Exhibit "B", Records, p. 215.

[11] TSN, September 26, 1995, pp. 41-43.

[12] TSN, March 27, 1995, p. 6.

[13] TSN, February 28, 1995, pp. 5-8.

[14] TSN, February 28, 1995, pp. 11-12.

[15] TSN, February 21, 1995, pp. 7-19.

[16] TSN, February 28, 1995, pp. 15-22.

[17] Exhibit "2", Records, p. 65.

[18] Exhibit "1", "1-e", Records, p. 33.

[19] TSN, July 11, 1995, pp. 4-9.

[20] Rollo, p. 52.

[21] Rollo, p. 68.

[22] *People v. Almedita*, 145 SCRA 451, 458 [1986], citing *People v. Cruz*, 109 Phil. 288 [1960]; *People v. Tagasa*, 68 Phil. 147, [1939]; *U.S. v. Guevara*, 27 Phil. 547 [1914].

[23] 333 SCRA 699, 713, citing *People v. Ambal*, 100 SCRA 325, 333 [1980]; *People v. Renegado*, 57 SCRA 275, 286 [1974]; *People v. Cruz*, 109 Phil. 288, 292 [1960]; *People v. Formigones*, 87 Phil. 658, 661 [1950] quoting Guevara's Commentaries on the Revised Penal Code, 4th ed., pp. 42-43 citing the Decisions of the Supreme Court of Spain interpreting Article 8, par. 1 of the old Penal Code of Spain; *People v. Torres*, 3 CAR 9 (2s) 43, cited in Padilla, Criminal Law, Bk. I, pp. 340-341 [1987]; *People v. Puno*, 105 SCRA 151, 158-159 [1981]; *People v. Austria*, 260 SCRA 106, 117 [1996]; *United States v. Guevara*, 27 Phil. 547, 550 [1914]. [24] *People v. Villa, Jr.*, 331 SCRA 142, 149-150, citing *People v. Dungo*, 199 SCRA 860 [1991]. [25] *People v. So*, 247 SCRA 708, 727 [1995], citing *People v. Ambal*, 100 SCRA 325 [1980]. [26] *People v. Trinidad*, 169 SCRA 51, 59 [1989], citing *People v. Pilonas*, 84 SCRA 167 [1978]; *People v. Garcia*, 96 SCRA 497 [1980]. [27] *People v. Balderas*, 276 SCRA 471, 488 [1997]. [28] *People v. Del Valle*, G.R. No. 119616, December 14, 2001. [29] *People v. Ronquillo*, G.R. No. 126136, April 5, 2002, citing *People v. Clarino*, G.R. No. 134634, July 31, 2001; *People v. Cortez*, 348 SCRA 663 [2000]. [30] Exhibit "F", Records, p. 218; Decision, Rollo, p. 49. [31] *People v. Francisco*, 330 SCRA 497, 506 [2000].

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