

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RODOLFO VILLA, JR. Y DELGADO, ACCUSED-APPELLANT.*G.R. No. 129899. April 27, 2000*

Ponente: BELLOSILLO, J.

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RODOLFO VILLA, JR. Y DELGADO appeals from the Decision of the trial court convicting him of four (4) separate crimes of Murder qualified by treachery and sentencing him to reclusion perpetua for each murder. He was also ordered to indemnify the heirs of his four (4) victims in the amount of P50,000.00 for each group of heirs or a total of P200,000.00.[1]

The antecedents: In the early morning of 22 June 1991 Dionito Fernandez was cutting grass in his yard in New Cabalan, Olongapo City. Accused Rodolfo Villa, Jr., a member of the CAFGU and neighbor of Dionito, suddenly came out of his house with his M-1 Garand rifle[2] and shot Dionito from behind killing him instantly. Ronald Fernandez and Sheila Fernandez, children of Dionito, rushed to their father's rescue after hearing the gunshot but the accused also fired at them fatally hitting Ronald who was embracing his father, and mortally wounding Sheila on the thigh and stomach. Samuel Eclevia, another neighbor of the Fernandezes, attempted to wrestle the rifle from the accused but Samuel too was gunned down.

After his rampage, Rodolfo Villa Jr. surrendered to a certain Captain Dolino of S2 OMDC (Olongapo Metropolitan District Command).[3] Rodolfo was accordingly charged with multiple murder. When arraigned on 3 October 1991 he entered a plea of not guilty. Later however his counsel, Atty. Cipriano Dumpit, manifested in open court that the accused was desirous of changing his plea to guilty. Thereafter, the accused invoked self-defense insofar as Dionito Fernandez was concerned, as the latter tried to stab him with a bolo. Thus, according to the accused, he was forced to shoot Dionito with his rifle.[4] The trial court then proceeded to propound searching questions on the accused to determine whether he understood the nature and consequences of his change of plea, and upon being satisfied with the answers given by the accused who was assisted by counsel, the court allowed the change of plea.[5]

Meanwhile, on 16 July 1992, the trial court issued an order appointing Atty. Romeo Alinea as counsel de oficio for the accused, as his counsel de parte Atty. Cipriano Dumpit was unavailable due to his ongoing medical treatment.[6] Before the defense could present its evidence, however, counsel de oficio Alinea manifested his inability to confer with the accused but moved that a psychiatric examination of the accused be made at the National Center for Mental Health to determine his mental condition. The motion was granted and the accused was examined at the Olongapo City General Hospital to ascertain whether he was suffering from mental illness before, during and after the commission of the crimes.[7]

Dr. Romeo Enriquez, the examining psychiatrist at the Olongapo City General Hospital, recommended that the accused be confined at the National Center for Mental Health, Forensic Pavillion, where an evaluation process for the possibility of insanity could be made.[8] Thus, on 4 November 1994, the accused was confined and treated at

the National Center for Mental Health, under the direct supervision of Dr. Celeste A. C. Peña, Medical Officer III, and Dr. Isagani S. Gonzales, Medical Specialist II, Physician-in-charge Male Court Case Pavillion.

On 21 December 1994, after more than a month of psychiatric evaluation, the attending physicians submitted to the trial court a psychiatric evaluation report,[9] which stated in part -

PSYCHIATRIC EVALUATION RESULTS:

Evaluation shows that the patient is suffering from Insanity or Psychosis classified as Schizophrenia. This is a mental illness characterized by deterioration in social and occupational functioning, auditory hallucination, delusion, thought disturbances and poor judgment. He is at present incompetent to stand trial.

REMARKS AND RECOMMENDATIONS:

He is recommended for further confinement and treatment.

Six (6) months later, or on 5 June 1995, a follow-up report on the patient's psychiatric status was made, this time by Dr. Cheryl Zalsos, with remarks that the patient's status had improved enough for him to withstand the rigors of the trial. Thus, Adoracion Manuit, Officer-in-Charge of the Legal Section, National Center for Mental Health, filed a Petition for Release praying that the accused be discharged and returned to jail for the speedy disposition of his case, and further recommending that he be allowed to undergo periodic check-up to sustain his improved mental state as well as to prevent a relapse of his illness.[10] In its Order of 21 June 1995 the trial court granted the petition and the trial resumed with the accused now raising insanity as a defense.

On 3 April 1997 the trial court disregarded the defense of insanity and forthwith convicted the accused of the crimes charged. Thus -

The court is not convinced that the accused was suffering from insanity of schizophrenic type before or during the killing. The evaluation reports do not say so in unequivocal terms. Dr. Zalsos, during her direct testimony, did not testify to that effect. In her cross examination, she, however, mentioned in passing that the accused was suffering from schizophrenia during the commission of the offense. The court noted that she was unsure of her allegation. The said reports and the testimony of Dr. Zalsos simply revealed that the accused suffered from insanity or psychosis classified as schizophrenia. In order that insanity can be considered as an exempting circumstance, it must be shown to exist just before or during the commission of the offense (*People v. Aquino*, 186 SCRA 851). Also, in order to exempt the accused from criminal liability it must be shown beyond cavil of doubt that there was complete deprivation of reason or discernment and freedom of the will at the time of the commission of the crime (*People v. Renegado*, 57 SCRA 275). These the accused failed to prove.

In resolving this appeal we need not inquire into the killing of the victims as this was already admitted by accused-appellant, nor into his theory of self-defense which he did not pursue, much more prove, during the trial. The only issue to be resolved is whether accused-appellant was insane during the commission of the crimes as would exempt him from criminal liability.

We affirm the judgment of conviction. Insanity exists when there is complete deprivation of intelligence while committing the act, i.e., the accused is deprived of reason, he acts without the least discernment because there is complete absence of power to discern, or that there is total deprivation of freedom of the will. Mere abnormality of the mental faculties is not enough, especially if the offender has not lost consciousness of his acts.[11]

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.[12]

Examining the evidence on record, we are convinced that accused-appellant was sane at the time he perpetrated the killings. The following circumstances clearly and unmistakably negate a complete absence of intelligence on his part: (a) Immediately after he killed the victims he thought of surrendering to the PC Detachment in Olongapo City; (b) He showed remorse during his confinement at the Mental Hospital;[13] and, (c) He was able to give a Sworn Statement before the Prosecutor's Office in Olongapo City immediately after the commission of the crimes narrating his version of the incident.[14] These are hardly the acts of a person with a sick mind. In *People v. Ambal*[15] we held: "The fact that immediately after the incident (accused) thought of surrendering to the law-enforcement authorities is incontestable proof that he knew that what he had done was wrong and that he was going to be punished for it." Similarly, a feeling of remorse is inconsistent with insanity, as it is a clear indication that he was conscious of his acts, he acknowledged his guilt and was sorry for them.

What militates heavily against his plea of insanity is his signed statement before the Prosecutor's Office dated 11 October 1991 which manifests on its face that he was mentally sound at the time of the killings. The Sworn Statement is quoted hereunder for better appreciation and ready reference -

Na humigit kumulang ng ika-pito ng umaga, nagbibihis pa ako ng uniform para mag-duty ng marinig ko si Mr. Dionito Fernandez na nagsabi ng 'ninakaw ng gagong CAFGU ang mga manok ko kagabi. Pagkarinig ko noon, ako ay lumabas para tanungin kung sinong CAFGU ang nagnakaw ng kanyang manok, at sumagot siya ng 'anong pakialam mo,' tinanong ko siyang muli na bakit nakarinig ako ng CAFGU, sinong CAFGU iyon, ako lang naman ang CAFGU rito sa atin ah.' Sumagot siya ng 'Hoy putang ina mo, hindi ako natatakot sa baril mo, walang baril-baril sa akin gago,' sabay dampot niya sa itak at paharap sa akin, nabigla ako at nag-alangan na baka ibato o itaga niya sa akin ang hawak niyang itak at nakalabit ko ang gatilyo ng aking baril at siya ay tinamaan;

Pagkatapos ay bigla akong nilusob ng kanyang anak na si Ronald at dinampot ang itak na nasa kamay ng kanyang ama at tatagain ako, at sinabi pang, 'mamamatay ka rin.' Nagdilim na ang aking paningin at siya ay aking nabaril at hindi ko napansin ang patakbong papalapit na si Sheila sa kanila at hindi ko sinasadyang natamaan;

Nataranta na ako at naisip kong magpunta sa PC Detachment para sumuko, ngunit hinarang ako ni Mr. Samuel Eclevia, na kanyang kumpadre na may dalang kutsara ng semento at kanyang akmang aagawin ang baril ko at nakaumang rin sa akin ang kanyang hawak, sa nagdidilim ko pang isipan ay nabaril ko rin siya;

Pagkatapos ay dumating ang aking ama na si Rodolfo Villa, Sr. at ako ay inaawat at parang natauhan ako ng maulinigan ko ang kanyang boses, sinabi niya na 'anak, tumigil ka na, akina ang baril mo at sasamahan kita sa Detachment para sumuko.' Natatandaan ko pa na nasabi ko na wala na akong kinabukasan itay, mabuti pang mamatay na rin ako at itinutok ko pa ang baril sa leeg ko;

Narinig ko pa na sinabi niya na 'huwag anak, kapag ginawa mo iyan ay bibigyan mo kami ng pagdurusa ng inay mo. Bayaan mo, gagawin ko ang lahat para sa iyo, ibaba mo iyan at i-safety mo na;

Pagkatapos ay ibinaba ko ang baril ko at sasama na sana ako sa kanya papuntang Detachment, ngunit napakaraming tao ang nakaharang sa daan at may nakita pa akong may mga hawak na itak, kaya't ako ay nag-warning shot para sila ay lumayo;

Maya-maya ay dumating na ang kasama kong CAFGU na si Agripino Saromo, at sa kanya ako sumuko at sumama papunta sa P.C. Detachment at doon ko na lang nalaman na nadaplisan pala ng bala si Mr. Bernardo Briones sa kanyang braso, ng ako ay mag-warning shot sa mga tao na nakaharang sa daanan ko bago dumating

si CAFGU Saromo;

Wala pong katotohanan ang kanilang hinala na si tatay ko, Rodolfo Villa, Sr. ay nakialam sa aking mga ginawa. Sarili ko po lamang ang pagkabaril sa mga nasabing tao.

We find it incredible for a supposedly deranged person to remember vividly and give such a lucid and detailed account of the carnage, from the moment he shot his first victim up to the time he surrendered to the authorities. Quite noticeable also, attempts to justify his criminal acts pervade the Sworn Statement which only a perfectly sane and intelligent person, not a demented one, would be capable of making.

Moreover, if we were to follow accused-appellant's narration of the incident in his Sworn Statement, it will appear that he slaughtered his victims in a fit of rage after Dionito Fernandez, his first victim, allegedly accused him of stealing chickens and cursed him saying, "p - t - g ina mo," and, "gago." These negate insanity. There is a vast difference between a genuinely insane person and one who has worked himself up into such a frenzy of anger that he fails to use reason or good judgment in what he does. A man sometimes does crazy things when enraged but it does not necessarily and conclusively prove that he is insane.

The law presumes every man to be of sound mind. Otherwise stated, the law presumes all acts to be voluntary, and that it is improper to presume that acts were done unconsciously. Thus, a person accused of a crime who pleads the exempting circumstance of insanity has the burden of proving it.^[16] Insanity is a defense by way of confession and avoidance, and as such the quantum of evidence required to prove that is clear and convincing evidence.

The defense banks heavily on the findings of the psychiatrists at the National Center for Mental Health, specifically the psychiatric evaluation report of Dr. Peña and Dr. Gonzales,^[17] and the testimony of Dr. Zalsos, that he was suffering from insanity or psychosis classified as schizophrenia. The doctors arrived at this conclusion after a series of medical and psychological examinations on accused-appellant during his confinement at the center.

However, we are still in a quandary as to whether accused-appellant was really insane when he committed the crimes. Firstly, we fail to discern anything from the psychiatric evaluation report that accused-appellant's judgment and mental faculties were totally impaired as to warrant the conclusion that his mental condition in 1991 when he killed his victims, and in 1994 when he was admitted for psychiatric treatment at the center, was the same so that his guilt or mental competence at the time he committed the crimes may be reasonably doubted. Secondly, without the least intention of casting doubt on the knowledge and integrity of expert witnesses, we agree with the trial court that the results of the examinations conducted by the psychiatrists on accused-appellant appear to be based on incomplete or insufficient facts. Records show that the psychiatrists relied mainly on the data supplied by accused-appellant and his police escort, without conducting an independent interview of any of accused-appellant's family members, relatives or persons who could provide information on his state of mind before or during the commission of the offenses. If he really was insane at the time of the murders, certainly such a condition could not have escaped the notice of other persons, friends and strangers alike, including the immediate members of his family.

It could be that accused-appellant was insane at the time he was examined at the center. But, in all probability, such insanity was contracted during the period of his detention pending trial. He was without contact with friends and relatives most of the time. He was troubled by his conscience, the realization of the gravity of the offenses and the thought of a bleak future for him. The confluence of these circumstances may have conspired to disrupt his mental equilibrium. But, it must be stressed, that an inquiry into the mental state of accused-appellant should relate to the period immediately before or at the precise moment of doing the act which is the subject of the

inquiry,[18] and his mental condition after that crucial period or during the trial is inconsequential for purposes of determining his criminal liability. In fine, this Court needs more concrete evidence on the mental condition of the person alleged to be insane at the time of the perpetration of the crimes in order that the exempting circumstance of insanity may be appreciated in his favor. Accused-appellant miserably failed to discharge the burden of overcoming the presumption that he committed the crimes freely, knowingly and intelligently.

It has been repeatedly held that this Court does not generally disturb the findings of fact of the trial court because it is in a better position to examine real evidence, as well as to observe the demeanor of witnesses while testifying on the stand. Unless there is a clear showing that it overlooked certain facts and circumstances which might alter the result of the case, the findings of fact made by the trial court will be respected and even accorded finality by this Court. We find no compelling reason to depart from the rule.

Finally, on the penalties imposed by the trial court, we do not agree that the aggravating circumstance of "taking advantage of his public position" as a CAFGU member should be considered against accused-appellant. The mere fact that he was a member of the CAFGU and was issued an M-1 Garand rifle is not sufficient to establish that he misused his public position in the commission of the crimes.[19]

On the other hand, the trial court properly credited in favor of accused-appellant the mitigating circumstance of "plea of guilty." Thus, following Art. 64, par. (2), of The Revised Penal Code, there being one mitigating circumstance, the imposable penalty on accused-appellant should be reclusion temporal in its maximum period for each crime of murder, it being the minimum imposable penalty after appreciating one mitigating circumstance in his favor. Applying the Indeterminate Sentence Law, accused-appellant should be meted an indeterminate sentence within the range of prision mayor maximum as minimum to reclusion temporal maximum as maximum.

WHEREFORE, the assailed Decision of the trial court convicting accused-appellant RODOLFO VILLA, JR. Y DELGADO of four (4) separate counts of Murder is AFFIRMED, subject to the MODIFICATION of the penalties imposed; consequently, accused-appellant is sentenced to an indeterminate prison term of ten (10) years two (2) months and ten (10) days of prision mayor maximum, as minimum, to seventeen (17) years, six (6) months and twenty (20) days of reclusion temporal maximum as maximum, for each crime of murder. He is further ordered to INDEMNIFY the heirs of his victims in the amount of P50,000.00 in each case or for a total of P200,000.00. Costs against accused-appellant.

SO ORDERED.

Mendoza, Quisumbing, Buena, and De Leon, Jr., JJ., concur.

[1] Decision penned by Judge Leopoldo T. Calderon, Jr., RTC-Br. 75, Olongapo City.

[2] TSN, 2 June 1992, p. 3.

[3] Records, p. 14.

[4] TSN, 2 June 1992, pp. 1-4.

[5] Order of Judge Leopoldo T. Calderon, Jr., dated 2 June 1992; Rollo, pp. 65-66.

[6] Records, p. 72.

[7] Order dated 6 April 1993, Records, p. 128.

[8] Records, pp. 140-141.

[9] Id., pp. 152-153; Exh. "1."

[10] Records, p. 154.

[11] See *People v. Dungo*, G.R. No. 89420, 31 July 1991, 199 SCRA 860, 866.

[12] *Id.*, p. 867.

[13] Decision of the trial court, p. 9; Rollo p. 265.

[14] Annex "A."

[15] G.R. No. 52688, 17 October 1980, 100 SCRA 325.

[16] See *People v. So*, G.R. No. 104664, 28 August 1995, 247 SCRA 708.

[17] Decision of the RTC-Br. 75, Olongapo City, Exh. "1;" Records, pp. 152-153.

[18] *People v. Aquino*, G.R. No. 87084; 27 June 1990, 186 SCRA 851.

[19] See *People v. Pantoja*, No. L-18793, 11 October 1968, 25 SCRA 468, 471-472.

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