

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ROBERTO ESTRADA, ACCUSED-APPELLANT.

G.R. No. 130487. June 19, 2000

Ponente: PUNO, J.

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PUNO, J.:

This is an automatic review of the death penalty imposed on accused-appellant by the Regional Trial Court, Branch 44, Dagupan City in Criminal Case No. 94-00860-D.[1] We nullify the proceedings in the court a quo and remand the case for proper disposition.

In an Information dated December 29, 1994, accused-appellant Roberto Estrada y Lopez was charged with the crime of murder for the killing of one Rogelio P. Mararac, a security guard. The Information reads:

"That on or about the 27th day of December 1994 in the City of Dagupan, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, ROBERTO ESTRADA Y LOPEZ, being then armed with a butcher's knife, with intent to kill one ROGELIO P. MARARAC with treachery and committed in a holy place of worship, did then and there, wilfully, unlawfully and criminally, attack, assault and use personal violence upon the latter by stabbing him, hitting him on vital parts of his body with the said weapon, thereby causing his death shortly thereafter due to "Cardiorespiratory Arrest, Massive Intrathoracic Hemorrhage, Stab Wound" as per Autopsy Report and Certificate of Death both issued by Dr. Tomas G. Cornel, Assistant City Health Officer, this City, to the damage and prejudice of the legal heirs of said deceased ROGELIO P. MARARAC in the amount of not less than FIFTY THOUSAND PESOS (P50,000.00), Philippine currency, and other consequential damages.

Contrary to Article 248 of the Revised Penal Code.

Dagupan City, Philippines, December 29, 1994."[2]

At the arraignment on January 6, 1995, accused-appellant's counsel, the Public Attorney's Office, filed an "Urgent Motion to Suspend Arraignment and to Commit Accused to Psychiatric Ward at Baguio General Hospital." It was alleged that accused-appellant could not properly and intelligently enter a plea because he was suffering from a mental defect; that before the commission of the crime, he was confined at the psychiatric ward of the Baguio General Hospital in Baguio City. He prayed for the suspension of his arraignment and the issuance of an order confining him at the said hospital.[3]

The motion was opposed by the City Prosecutor. The trial court, *motu proprio*, propounded several questions on accused-appellant. Finding that the questions were understood and answered by him "intelligently," the court denied the motion that same day.[4]

The arraignment proceeded and a plea of not guilty was entered by the court on accused-appellant's behalf.[5]

The prosecution presented four (4) witnesses, namely: (1) Dr. Tomas Cornel, the Assistant Health Officer of Dagupan City who issued the death certificate and conducted the autopsy on the victim; (2) Crisanto Santillan, an

eyewitness to the incident; (3) SPO1 Conrado Francisco, one of the policemen who apprehended accused-appellant; and (4) Rosalinda Sobremonde, the victim's sister. The prosecution established the following facts:

In the morning of December 27, 1994, at the St. John's Cathedral, Dagupan City, the sacrament of confirmation was being performed by the Roman Catholic Bishop of Dagupan City on the children of Dagupan. The cathedral was filled with more than a thousand people. At 11:00 A.M., nearing the close of the rites, the Bishop went down the altar to give his final blessing to the children in the front rows. While the Bishop was giving his blessing, a man from the crowd went up and walked towards the center of the altar. He stopped beside the Bishop's chair, turned around and, in full view of the Catholic faithful, sat on the Bishop's chair. The man was accused-appellant. Crisanto Santillan, who was assisting the Bishop at the rites, saw accused-appellant. Santillan approached accused-appellant and requested him to vacate the Bishop's chair. Gripping the chair's armrest, accused-appellant replied in Pangasinense: "No matter what will happen, I will not move out!" Hearing this, Santillan moved away.[6]

Some of the churchgoers summoned Rogelio Mararac, the security guard at the cathedral. Mararac went near accused-appellant and told him to vacate the Bishop's chair. Accused-appellant stared intensely at the guard. Mararac grabbed his nightstick and used it to tap accused-appellant's hand on the armrest. Appellant did not budge. Again, Mararac tapped the latter's hand. Still no reaction. Mararac was about to strike again when suddenly accused-appellant drew a knife from his back, lunged at Mararac and stabbed him, hitting him below his left throat. Mararac fell. Accused-appellant went over the victim and tried to stab him again but Mararac parried his thrust. Accused-appellant looked up and around him. He got up, went to the microphone and shouted: "Anggapuy nayan dia!" (No one can beat me here!). He returned to the Bishop's chair and sat on it again. Mararac, wounded and bleeding, slowly dragged himself down the altar.[7]

Meanwhile, SPO1 Conrado Francisco, who was directing traffic outside, received a report of a commotion inside the cathedral. Rushing to the cathedral, SPO1 Francisco saw a man, accused-appellant, with red stains on his shirt and a knife in one hand sitting on a chair at the center of the altar. He ran to accused-appellant and advised him to drop the knife. Accused-appellant obeyed. He dropped the knife and raised his hands. Thereupon, Chief Inspector Wendy Rosario, Deputy Police Chief, Dagupan City, who was attending the confirmation rites at the Cathedral, went near accused-appellant to pick up the knife. Suddenly, accused-appellant embraced Chief Inspector Rosario and the two wrestled with each other. Chief Inspector Rosario was able to subdue accused-appellant. The police came and when they frisked appellant, they found a leather scabbard tucked around his waist.[8] He was brought to the police station and placed in jail.

In the meantime, Mararac, the security guard, was brought to the hospital where he expired a few minutes upon arrival. He died of "cardio-respiratory arrest, massive, intra-thoracic hemorrhage, stab wound." [9] He was found to have sustained two (2) stab wounds: one just below the left throat and the other on the left arm. The autopsy reported the following findings:

"EXTERNAL FINDINGS

1. Stab wound, along the parasternal line, level of the 2nd intercostal space, left, 1 ½" x 1 ½" penetrating. The edge of one side of the wound is sharp and pointed.
2. Stab wound, antero-lateral aspect, distal 3rd, arm, left, ½" x ¼" x ½". The edge of one side of the wound is sharp and pointed.

INTERNAL FINDINGS

Massive intrathoracic, left, hemorrhage with perforation of the upper and lower lobe of the left lung. The left pulmonary blood vessel was severely cut." [10]

After the prosecution rested its case, accused-appellant, with leave of court, filed a "Demurrer to Evidence." He claimed that the prosecution failed to prove the crime of murder because there was no evidence of the qualifying circumstance of treachery; that there was unlawful aggression by the victim when he tapped accused-appellant's hand with his nightstick; and that accused-appellant did not have sufficient ability to calculate his defensive acts because he was of unsound mind. [11]

The "Demurrer to Evidence" was opposed by the public prosecutor. He alleged that the accused "pretended to be weak, tame and of unsound mind;" that after he made the first stab, he "furiously continued stabbing and slashing the victim to finish him off undeterred by the fact that he was in a holy place where a religious ceremony was being conducted;" and the plea of unsound mind had already been ruled upon by the trial court in its order of January 6, 1995. [12]

On February 21, 1995, a letter was sent by Inspector Wilfredo F. Valdez, Jail Warden of Dagupan City to the trial court. Inspector Valdez requested the court to allow accused-appellant, who was confined at the city jail, to be treated at the Baguio General Hospital to determine whether he should remain in jail or be transferred to some other institution. The other prisoners were allegedly not comfortable with appellant because he had been exhibiting unusual behavior. He tried to climb up the jail roof so he could escape and see his family. [13]

As ordered by the trial court, the public prosecutor filed a Comment to the jail warden's letter. He reiterated that the mental condition of accused-appellant to stand trial had already been determined; unless a competent government agency certifies otherwise, the trial should proceed; and the city jail warden was not the proper person to determine whether accused-appellant was mentally ill or not. [14]

In an order dated August 21, 1995, the trial court denied the "Demurrer to Evidence". [15] Accused-appellant moved for reconsideration.

While the motion for reconsideration was pending, on February 26, 1996, counsel for accused-appellant filed a "Motion to Confine Accused for Physical, Mental and Psychiatric Examination." Appellant's counsel informed the court that accused-appellant had been exhibiting abnormal behavior for the past weeks; he would shout at the top of his voice and cause panic among the jail inmates and personnel; that appellant had not been eating and sleeping; that his co-inmates had been complaining of not getting enough sleep for fear of being attacked by him while asleep; that once, while they were sleeping, appellant took out all his personal effects and waste matter and burned them inside the cell which again caused panic among the inmates. Appellant's counsel prayed that his client be confined at the National Center for Mental Health in Manila or at the Baguio General Hospital. [16] Attached to the motion were two (2) letters. One, dated February 19, 1996, was from Inspector Pedrito Llopis, Jail Warden, Dagupan City, addressed to the trial court judge informing him of appellant's irrational behavior and seeking the issuance of a court order for the immediate psychiatric and mental examination of accused-appellant. [17] The second letter, dated February 21, 1996, was addressed to Inspector Llopis from the Bukang Liwayway Association, an association of inmates in the Dagupan City Jail. The letter, signed by the president, secretary and adviser of said association, informed the jail warden of appellant's unusual behavior and requested that immediate action be taken against him to avoid future violent incidents in the jail. [18]

On September 18, 1996, the trial court denied reconsideration of the order denying the "Demurrer to Evidence." The court ordered accused-appellant to present his evidence on October 15, 1996. [19]

Accused-appellant did not take the witness stand. Instead, his counsel presented the testimony of Dr. Maria Soledad Gawidan, [20] a resident physician in the Department of Psychiatry at the Baguio General Hospital, and

accused-appellant's medical and clinical records at the said hospital.[21] Dr. Gawidan testified that appellant had been confined at the BGH from February 18, 1993 to February 22, 1993 and that he suffered from "Schizophrenic Psychosis, Paranoid Type--schizophrenia, paranoid, chronic, paranoid type;"[22] and after four (4) days of confinement, he was discharged in improved physical and mental condition.[23] The medical and clinical records consisted of the following: (1) letter of Dr. Alfredo Sy, Municipal Health Officer, Calasiao, Pangasinan to Dr. Jesus del Prado, Director, BGH referring accused-appellant for admission and treatment after "a relapse of his violent behavior;"[24] (2) the clinical cover sheet of appellant at the BGH;[25] (3) the consent slip of appellant's wife voluntarily entrusting appellant to the BGH;[26] (4) the Patient's Record;[27] (5) the Consent for Discharge signed by appellant's wife;[28] (6) the Summary and Discharges of appellant;[29] (7) appellant's clinical case history;[30] (8) the admitting notes;[31] (9) Physician's Order Form;[32] (10) the Treatment Form/ medication sheet;[33] and (11) Nurses' Notes.[34]

The trial court rendered a decision on June 23, 1997. It upheld the prosecution evidence and found accused-appellant guilty of the crime charged and thereby sentenced him to death, viz:

"WHEREFORE, the court finds accused Roberto Estrada y Lopez guilty beyond reasonable doubt of the crime of Murder and in view of the presence of the aggravating circumstance of cruelty which is not offset by any mitigating circumstance, the accused is sentenced to suffer the Death Penalty and to indemnify the heirs of the deceased in the amount of P50,000.00.

The accused is ordered to pay the sum of P18,870.00 representing actual expenses and P100,000.00 as moral damages.

SO ORDERED."[35]

In this appeal, accused-appellant assigns the following errors:

I

"THE LOWER COURT ERRED IN FINDING ACCUSED-APPELLANT GUILTY OF THE CRIME CHARGED, DESPITE CLEAR AND CONVINCING EVIDENCE ON RECORD, SUPPORTING HIS PLEA OF INSANITY.

II

THE LOWER COURT LIKEWISE ERRED IN HOLDING THAT THE STABBING TO DEATH OF ROGELIO MARARAC WAS ATTENDED WITH TREACHERY AND AGGRAVATED BY CRUELTY, GRANTING ARGUENDO THAT ACCUSED-APPELLANT'S PLEA OF INSANITY CANNOT BE CONSIDERED AN EXEMPTING CIRCUMSTANCE."[36]

The basic principle in our criminal law is that a person is criminally liable for a felony committed by him.[37] Under the classical theory on which our penal code is mainly based, the basis of criminal liability is human free will.[38] Man is essentially a moral creature with an absolutely free will to choose between good and evil.[39] When he commits a felonious or criminal act (*delito doloso*), the act is presumed to have been done voluntarily,[40] i.e., with freedom, intelligence and intent.[41] Man, therefore, should be adjudged or held accountable for wrongful acts so long as free will appears unimpaired.[42]

In the absence of evidence to the contrary, the law presumes that every person is of sound mind[43] and that all acts are voluntary.[44] The moral and legal presumption under our law is that freedom and intelligence constitute the normal condition of a person.[45] This presumption, however, may be overthrown by other factors; and one of these is insanity which exempts the actor from criminal liability.[46]

The Revised Penal Code in Article 12 (1) provides:

"ART. 12. Circumstances which exempt from criminal liability.--The following are exempt from criminal liability:

1. An imbecile or an insane person, unless the latter has acted during a lucid interval.

When the imbecile or an insane person has committed an act which the law defines as a felony (delito), the court shall order his confinement in one of the hospitals or asylums established for persons thus afflicted, which he shall not be permitted to leave without first obtaining the permission of the same court."

An insane person is exempt from criminal liability unless he has acted during a lucid interval. If the court therefore finds the accused insane when the alleged crime was committed, he shall be acquitted but the court shall order his confinement in a hospital or asylum for treatment until he may be released without danger. An acquittal of the accused does not result in his outright release, but rather in a verdict which is followed by commitment of the accused to a mental institution.[47]

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.[48] The accused must be "so insane as to be incapable of entertaining a criminal intent." [49] 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.[50]

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.[51] And the evidence on this point must refer to the time preceding the act under prosecution or to the very moment of its execution.[52]

To ascertain a person's mental condition at the time of the act, it is permissible to receive evidence of the condition of his mind within a reasonable period both before and after that time.[53] Direct testimony is not required.[54] Neither are specific acts of derangement essential to establish insanity as a defense.[55] Circumstantial evidence, if clear and convincing, suffices; for the unfathomable mind can only be known by overt acts. A person's thoughts, motives, and emotions may be evaluated only by outward acts to determine whether these conform to the practice of people of sound mind.[56]

In the case at bar, there is no direct proof that accused-appellant was afflicted with insanity at the time he killed Mararac. The absence of direct proof, nevertheless, does not entirely discount the probability that appellant was not of sound mind at that time. From the affidavit of Crisanto Santillan[57] attached to the Information, there are certain circumstances that should have placed the trial court on notice that appellant may not have been in full possession of his mental faculties when he attacked Mararac. It was highly unusual for a sane person to go up to the altar and sit on the Bishop's chair while the Bishop was administering the Holy Sacrament of Confirmation to children in a jam-packed cathedral. It goes against normal and ordinary behavior for appellant, without sufficient provocation from the security guard, to stab the latter at the altar, during sacramental rites and in front of all the Catholic faithful to witness. Appellant did not flee, or at least attempt to flee after the stabbing. He nonchalantly approached the microphone and, over the public address system, uttered words to the faithful which no rational person would have made. He then returned to the Bishop's chair and sat there as if nothing happened.

Accused-appellant's history of mental illness was brought to the court's attention on the day of the arraignment. Counsel for accused-appellant moved for suspension of the arraignment on the ground that his client could not properly and intelligently enter a plea due to his mental condition. The Motion for Suspension is authorized under Section 12, Rule 116 of the 1985 Rules on Criminal Procedure which provides:

"Sec. 12. Suspension of arraignment.--The arraignment shall be suspended, if at the time thereof:

(a) The accused appears to be suffering from an unsound mental condition which effectively renders him unable to fully understand the charge against him and to plead intelligently thereto. In such case, the court shall order his mental examination and, if necessary, his confinement for such purpose.

(b) x x x."

The arraignment of an accused shall be suspended if at the time thereof he appears to be suffering from an unsound mental condition of such nature as to render him unable to fully understand the charge against him and to plead intelligently thereto. Under these circumstances, the court must suspend the proceedings and order the mental examination of the accused, and if confinement be necessary for examination, order such confinement and examination. If the accused is not in full possession of his mental faculties at the time he is informed at the arraignment of the nature and cause of the accusation against him, the process is itself a *felo de se*, for he can neither comprehend the full import of the charge nor can he give an intelligent plea thereto.[58]

The question of suspending the arraignment lies within the discretion of the trial court.[59] And the test to determine whether the proceedings will be suspended depends on the question of whether the accused, even with the assistance of counsel, would have a fair trial. This rule was laid down as early as 1917, thus:

"In passing on the question of the propriety of suspending the proceedings against an accused person on the ground of present insanity, the judges should bear in mind that not every aberration of the mind or exhibition of mental deficiency is sufficient to justify such suspension. The test is to be found in the question whether the accused would have a fair trial, with the assistance which the law secures or gives; and it is obvious that under a system of procedure like ours where every accused person has legal counsel, it is not necessary to be so particular as it used to be in England where the accused had no advocate but himself."[60]

In the American jurisdiction, the issue of the accused's "present insanity" or insanity at the time of the court proceedings is separate and distinct from his criminal responsibility at the time of commission of the act. The defense of insanity in a criminal trial concerns the defendant's mental condition at the time of the crime's commission. "Present insanity" is commonly referred to as "competency to stand trial"[61] and relates to the appropriateness of conducting the criminal proceeding in light of the defendant's present inability to participate meaningfully and effectively.[62] In competency cases, the accused may have been sane or insane during the commission of the offense which relates to a determination of his guilt. However, if he is found incompetent to stand trial, the trial is simply postponed until such time as he may be found competent. Incompetency to stand trial is not a defense; it merely postpones the trial.[63]

In determining a defendant's competency to stand trial, the test is whether he has the capacity to comprehend his position, understand the nature and object of the proceedings against him, to conduct his defense in a rational manner, and to cooperate, communicate with, and assist his counsel to the end that any available defense may be interposed.[64] This test is prescribed by state law but it exists generally as a statutory recognition of the rule at common law.[65] Thus:

"[I]t is not enough for the x x x judge to find that the defendant [is] oriented to time and place, and [has] some recollection of events, but that the test must be whether he has sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding--and whether he has a rational as well as factual understanding of the proceedings against him."[66]

There are two distinct matters to be determined under this test: (1) whether the defendant is sufficiently coherent to provide his counsel with information necessary or relevant to constructing a defense; and (2) whether he is able to comprehend the significance of the trial and his relation to it.[67] The first requisite is the relation between the defendant and his counsel such that the defendant must be able to confer coherently with his counsel. The second

is the relation of the defendant vis-a-vis the court proceedings, i.e., that he must have a rational as well as a factual understanding of the proceedings.[68]

The rule barring trial or sentence of an insane person is for the protection of the accused, rather than of the public.[69] It has been held that it is inhuman to require an accused disabled by act of God to make a just defense for his life or liberty.[70] To put a legally incompetent person on trial or to convict and sentence him is a violation of the constitutional rights to a fair trial[71] and due process of law;[72] and this has several reasons underlying it.[73] For one, the accuracy of the proceedings may not be assured, as an incompetent defendant who cannot comprehend the proceedings may not appreciate what information is relevant to the proof of his innocence. Moreover, he is not in a position to exercise many of the rights afforded a defendant in a criminal case, e.g., the right to effectively consult with counsel, the right to testify in his own behalf, and the right to confront opposing witnesses, which rights are safeguards for the accuracy of the trial result. Second, the fairness of the proceedings may be questioned, as there are certain basic decisions in the course of a criminal proceeding which a defendant is expected to make for himself, and one of these is his plea. Third, the dignity of the proceedings may be disrupted, for an incompetent defendant is likely to conduct himself in the courtroom in a manner which may destroy the decorum of the court. Even if the defendant remains passive, his lack of comprehension fundamentally impairs the functioning of the trial process. A criminal proceeding is essentially an adversarial proceeding. If the defendant is not a conscious and intelligent participant, the adjudication loses its character as a reasoned interaction between an individual and his community and becomes an invective against an insensible object. Fourth, it is important that the defendant knows why he is being punished, a comprehension which is greatly dependent upon his understanding of what occurs at trial. An incompetent defendant may not realize the moral reprehensibility of his conduct. The societal goal of institutionalized retribution may be frustrated when the force of the state is brought to bear against one who cannot comprehend its significance.[74]

The determination of whether a sanity investigation or hearing should be ordered rests generally in the discretion of the trial court.[75] Mere allegation of insanity is insufficient. There must be evidence or circumstances that raise a "reasonable doubt"[76] or a "bona fide doubt"[77] as to defendant's competence to stand trial. Among the factors a judge may consider is evidence of the defendant's irrational behavior, history of mental illness or behavioral abnormalities, previous confinement for mental disturbance, demeanor of the defendant, and psychiatric or even lay testimony bearing on the issue of competency in a particular case.[78]

In the case at bar, when accused-appellant moved for suspension of the arraignment on the ground of accused's mental condition, the trial court denied the motion after finding that the questions propounded on appellant were intelligently answered by him. The court declared::

"x x x

It should be noted that when this case was called, the Presiding Judge asked questions on the accused, and he (accused) answered intelligently. As a matter of fact, when asked where he was born, he answered, in Tayug.

The accused could answer intelligently. He could understand the questions asked of him.

WHEREFORE, for lack of merit, the Urgent Motion to Suspend Arraignment and to Commit Accused to Psychiatric Ward at Baguio General Hospital, is hereby DENIED.

SO ORDERED."[79]

The fact that accused-appellant was able to answer the questions asked by the trial court is not conclusive evidence that he was competent enough to stand trial and assist in his defense. Section 12, Rule 116 speaks of an unsound mental condition that "effectively renders [the accused] unable to fully understand the charge against him

and to plead intelligently thereto." It is not clear whether accused-appellant was of such sound mind as to fully understand the charge against him. It is also not certain whether his plea was made intelligently. The plea of "not guilty" was not made by accused-appellant but by the trial court "because of his refusal to plead." [80]

The trial court took it solely upon itself to determine the sanity of accused-appellant. The trial judge is not a psychiatrist or psychologist or some other expert equipped with the specialized knowledge of determining the state of a person's mental health. To determine the accused-appellant's competency to stand trial, the court, in the instant case, should have at least ordered the examination of accused-appellant, especially in the light of the latter's history of mental illness.

If the medical history was not enough to create a reasonable doubt in the judge's mind of accused-appellant's competency to stand trial, subsequent events should have done so. One month after the prosecution rested its case, the Jail Warden of Dagupan City wrote the trial judge informing him of accused-appellant's unusual behavior and requesting that he be examined at the hospital to determine whether he should remain in jail or be placed in some other institution. The trial judge ignored this letter. One year later, accused-appellant's counsel filed a "Motion to Confine Accused for Physical, Mental and Psychiatric Examination." Attached to this motion was a second letter by the new Jail Warden of Dagupan City accompanied by a letter-complaint of the members of the Bukang Liwayway Association of the city jail. Despite the two (2) attached letters, [81] the judge ignored the "Motion to Confine Accused for Physical, Mental and Psychiatric Examination." The records are barren of any order disposing of the said motion. The trial court instead ordered accused-appellant to present his evidence. [82]

Dr. Gawidan testified that the illness of accused-appellant, i.e., schizophrenia, paranoid type, is a "lifetime illness" and that this requires maintenance medication to avoid relapses. [83] After accused-appellant was discharged on February 22, 1993, he never returned to the hospital, not even for a check-up. [84]

Accused-appellant did not take the witness stand. His counsel manifested that accused-appellant was waiving the right to testify in his own behalf because he was "suffering from mental illness." [85] This manifestation was made in open court more than two (2) years after the crime, and still, the claim of mental illness was ignored by the trial court. And despite all the overwhelming indications of accused-appellant's state of mind, the judge persisted in his personal assessment and never even considered subjecting accused-appellant to a medical examination. To top it all, the judge found appellant guilty and sentenced him to death!

Section 12, Rule 116 of the 1985 Rules on Criminal Procedure speaks of a "mental examination." [86] The human mind is an entity, and understanding it is not purely an intellectual process but depends to a large degree upon emotional and psychological appreciation. [87] Thus, an intelligent determination of an accused's capacity for rational understanding ought to rest on a deeper and more comprehensive diagnosis of his mental condition than laymen can make through observation of his overt behavior. Once a medical or psychiatric diagnosis is made, then can the legal question of incompetency be determined by the trial court. By this time, the accused's abilities may be measured against the specific demands a trial will make upon him. [88]

If the mental examination on accused-appellant had been promptly and properly made, it may have served a dual purpose [89] by determining both his competency to stand trial and his sanity at the time of the offense. In some Philippine cases, the medical and clinical findings of insanity made immediately after the commission of the crime served as one of the bases for the acquittal of the accused. [90] The crime in the instant case was committed way back in December 1994, almost six (6) years ago. At this late hour, a medical finding alone may make it impossible for us to evaluate appellant's mental condition at the time of the crime's commission for him to avail of the exempting circumstance of insanity. [91] Nonetheless, under the present circumstances, accused-appellant's competence to stand trial must be properly ascertained to enable him to participate in his trial meaningfully.

By depriving appellant of a mental examination, the trial court effectively deprived appellant of a fair trial. The trial court's negligence was a violation of the basic requirements of due process; and for this reason, the proceedings before the said court must be nullified. In *People v. Serafica*,^[92] we ordered that the joint decision of the trial court be vacated and the cases remanded to the court a quo for proper proceeding. The accused, who was charged with two (2) counts of murder and one (1) count of frustrated murder, entered a plea of "guilty" to all three charges and was sentenced to death. We found that the accused's plea was not an unconditional admission of guilt because he was "not in full possession of his mental faculties when he killed the victim;" and thereby ordered that he be subjected to the necessary medical examination to determine his degree of insanity at the time of commission of the crime.^[93]

IN VIEW WHEREOF, the decision of the Regional Trial Court, Branch 44, Dagupan City in Criminal Case No. 94-00860-D convicting accused-appellant Roberto Estrada and sentencing him to death is vacated and the case is remanded to the court a quo for the conduct of a proper mental examination on accused-appellant, a determination of his competency to stand trial, and for further proceedings.

SO ORDERED.

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

Vitug, J., on official leave.

[1] The decision was penned by Judge Crispin C. Laron.

[2] Records, p. 1.

[3] *Id.*, pp. 13-14.

[4] *Id.*, p. 16.

[5] *Id.*, p. 19.

[6] TSN of January 19, 1995, pp. 4-5.

[7] *Id.*, pp. 6-10; Exhibit "E," Records, pp. 6-7.

[8] TSN of January 20, 1995, pp. 3-13; Exhibit "G," Records, p. 5.

[9] Exhibit "B," Records, p. 36.

[10] Exhibit "A," Records, p. 35.

[11] Records, pp. 45-48.

[12] *Id.*, pp. 51-52.

[13] *Id.*, p. 49.

[14] *Id.*, p. 56.

[15] *Id.*, pp. 62-63.

[16] *Id.*, pp. 92-93.

[17] Exhibit "16," Records, pp. 95 and 96.

- [18] Exhibit "15," Records, p. 94.
- [19] Records, p. 75.
- [20] TSN of November 26, 1996, pp. 2-28.
- [21] Exhibits "1" to "14," Records, pp. 50, 107-128.
- [22] Exhibit "1," Records, p. 50.
- [23] TSN of November 26, 1996.
- [24] Exhibit "2," Records, p. 107.
- [25] Exhibit "3," Records, p. 113.
- [26] Exhibit "4," Records, p. 114.
- [27] Exhibit "5," Records, p. 115;
- [28] Exhibit "6," Records, p. 116.
- [29] Exhibits "7" and "14," Records, pp. 117 and 128.
- [30] Exhibit "8," Records, pp. 118-119.
- [31] Exhibit "9," Records, pp. 120-121.
- [32] Exhibit "10," Records, pp. 122-123.
- [33] Exhibit "11," Records, p. 123.
- [34] Exhibits "12" and "13," Records, pp. 124-127.
- [35] Records, p. 204.
- [36] Brief for Accused-Appellant, p. 1, Rollo, p. 36.
- [37] Article 4, Revised Penal Code.
- [38] Reyes, Revised Penal Code, Bk. I, pp. 37-38 [1981 ed.].
- [39] V. Francisco, The Revised Penal Code, Bk. I, p. 4 [1958].
- [40] Please see Guevara's Commentaries on the Revised Penal Code, 5[th] ed., pp. 5-6 [1957].
- [41] Article 3, Revised Penal Code; see also Reyes, *supra*, at 39-40; *People v. Renegado*, 57 SCRA 275, 286 [1974]; *United States v. Ah Chong*, 15 Phil. 488, 495 [1910].
- [42] Francisco, *supra*.
- [43] Article 800, Civil Code.
- [44] *United States v. Gloria*, 3 Phil. 333, 335; also cited in Guevara, 5[th] ed., p. 6; see also Francisco, *supra*, at 32.
- [45] *People v. Sia Teb Ban*, 54 Phil. 52 [1929]; see *People v. Renegado*, *supra*.
- [46] *People v. Renegado*, *supra*.

[47] See *People v. Austria*, 260 SCRA 106, 121 [1996]; *People v. Bonoan*, 64 Phil. 87, 100 [1937]; *United States v. Guendia*, 37 Phil. 345-346 [1917].

[48] *People v. Ambal*, 100 SCRA 325, 333 [1980]; *People v. Renegado*, supra; *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, 4[th] 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.

[49] *People v. Torres*, 3 CAR 9 (2s) 43, cited in Padilla, *Criminal Law*, Bk. I, pp. 340-341 [1987].

[50] *People v. Renegado*, supra, at 286; *People v. Puno*, 105 SCRA 151, 158-159 [1981]; *People v. Formigones*, supra, at 661.

[51] *People v. Renegado*, supra, at 286; *People v. Puno*, supra, at 158.

[52] *People v. Austria*, 260 SCRA 106, 117 [1996]; *People v. Puno*, supra, at 158; *United States v. Guevara*, 27 Phil. 547, 550 [1914].

[53]

[54] Id.

[55] *People v. Bonoan*, supra, at 93-94.

[56] *People v. Bonoan*, supra, at 93; *People v. Austria*, 260 Phil. 106, 117 [1996]

[57] Exhibit "E," Records, pp. 6-7.

[58]

[59] In the landmark case of *United States v. Guendia*, 37 Phil. 337, 345 [1917], it was declared that:

"x x x [W]hen a judge of first instance is informed or discovers that an accused person is apparently in a present condition of insanity or imbecility, it is within his discretion to investigate the matter, and if it be found that by reason of any such affliction the accused could not, with the aid of his counsel, make a proper defense, it is the duty of the court to suspend the proceedings and commit the accused to a proper place of detention until his faculties are recovered. If, however, such investigation is considered unnecessary, and the trial proceeds, the court will acquit the accused if he be found exempt from criminal responsibility by reason of imbecility or lunacy. In such case an order for his commitment to an asylum should be made pursuant to the provisions of paragraph 2 of article 8 (1) of the Penal Code [now par. 2, Article 12 (1)]."

[60] *United States v. Guendia*, 37 Phil. 337, 345 [1917]; also cited in Francisco, *Criminal Procedure*, p. 330 [1996] and Herrera, *Remedial Law*, vol. 4, pp. 384-385 [1992].

[61] Pizzi, "Competency to Stand Trial in Federal Courts: Conceptual and Constitutional Problems," 45 *Univ. of Chicago Law Review* 21-22 [1977]. The term "present insanity" was used in the case of *Youtsey v. United States*, 97 F. 937 [1899] to distinguish it from insanity at the time of commission of the offense.

[62] 21 *Am Jur 2d*, *Criminal Law*, Sec. 97 [1981 ed.]; LaFave and Scott, *Criminal Law*, p. 333, 2d ed. [1986]; del Carmen, *Criminal Procedure, Law and Practice*, pp. 395-396, 3rd ed. [1995]; Ferdico, *Criminal Procedure for the Criminal Justice Professional*, pp. 55-56, 7[th] ed. [1999].

[63] Id.

[64] 21 *Am Jur 2d*, "Criminal Law," Sec. 96; see list of cases therein; see also Raymond and Hall, *California*

Criminal Law and Procedure, p. 230 [1999].

[65] Id; see also LaFave and Scott, *supra*, at 333; Weihofen, *Mental Disorder as a Criminal Defense*, 430 [1954]. Long before legislation on competency to stand trial, the case of *Youtsey v. United States*, 97 F. 937 [1899] recognized that a federal court had the same wide discretion established by the common law when the question of present insanity was presented--*United States v. Sermon*, 228 F. Supp. 972, 982 [1964].

[66] *Dusky v. United States*, 362 US 402, 4 L ed 2d 824, 825, 80 S Ct 788 [1960]. This is commonly referred to as the "Dusky standard"--LaFave and Scott, *supra*, at 334-335, Note 26.

[67] LaFave and Scott, *supra*.; see also Notes: "Incompetency to Stand Trial," 81 Harvard Law Review, 454, 459 [Dec. 1967].

[68] LaFave and Scott, *supra*, at 334.

[69] *State v. Swails*, 223 La 751, 66 So. 2d 796, 799 [1953].

[70] *In re Buchanan*, 129 Cal. 360, 61 P. 1120, 1121 [1900]; *State v. Swails*, *supra*; see also Weihofen, *Mental Disorder as a Criminal Defense*, p. 429 [1954].

[71] *Pate v. Robinson*, 383 US 375, 15 L ed 2d 815, 822, 86 S Ct 836 [1966].

[72] 21 Am Jur 2d, *Criminal Law*, Sec. 95 [198 ed.]; *Youtsey v. United States*, 97 Fed. 937, 940-946 [CA6 1899]; *Drope v. Missouri*, 420 U.S. 162, 43 L ed 2d 103, 113-114, 95 S Ct 896 [1975]; *Pate v. Robinson*, 383 U.S. 815, 15 L ed 2d 815, 822, 86 S Ct 836 [1966]; see also Weihofen, *supra*, at 429-430.

[73] Notes: "Incompetency to Stand Trial," 81 Harv. L. Rev. 454 [1967].

[74] Id., at 457-459; see also LaFave and Scott, *supra*, at 334-335.

[75] 21 Am Jur 2d, "Criminal Law," Sec. 103 [1981 ed.].

[76] The term "reasonable doubt" was used in *Drope v. Missouri*, *supra*, at 118; see also LaFave and Scott, *supra*, Note 34, at 335-336.

[77] In *Pate v. Robinson*, *supra*, at 822, the court used the term "bona fide doubt" as to defendant's competence; see also LaFave and Scott, *supra*, Note 34, at 335-336.

[78] 21 Am Jur 2d, "Criminal Law," Sec. 104 [1981 ed.]; *Drope v. Missouri*, *supra*, at 118; *Pate v. Robinson*, *supra*, at 822.

[79] Order dated January 6, 1995, Records, p. 16.

[80] See Second Order of January 6, 1995, Records, p. 19.

[81] The two (2) attached letters were submitted as part of appellant's evidence and were admitted by the trial court without objection from the public prosecutor -- Exhibits "15" and "16," Records, pp. 94-96.

[82] Order dated September 18, 1996, Records, p. 75.

[83] TSN of November 26, 1996, p. 27. In *People v. Austria*, 260 SCRA 106, 116-117 [1996], "schizophrenia" was defined as a "chronic mental disorder," and that a "paranoid type of schizophrenia" was characterized by unpleasant emotional aggressiveness and delusions of persecution by the patient-- quoting Encyclopedia and Dictionary of Medicine and Nursing, Miller-Keane, p. 860 and Noyes' *Modern Clinical Psychiatry*, 7th ed., pp. 380-381.

[84] Id.

[85] See Order dated May 5, 1997, Records, p. 184.

[86] The rule on suspension of arraignment for mental examination of the accused's mental condition first appeared in the 1985 Rules on Criminal Procedure. The 1917 case of *U.S. v. Guendia* did not mention "mental examination."

[87] Notes: "Incompetency to Stand Trial," 81 Harv. L. Rev. 454, 470 [1967].

[88] Id; *Gunther v. United States*, 215 F. 2d 493, 496-497 (D.C. Cir. 1954)--While expert psychiatric judgment is relevant to determine a defendant's competence to stand trial, it is not controlling. Resolution of this issue requires not only a clinical psychiatric judgment but also a judgment based upon a knowledge of criminal trial proceedings that is peculiarly within the competence of the trial judge; see also *United States v. Sermon*, 228 F. Supp. 972, 976-977 (W.D. Mo. 1964).

[89] See Pizzi, "Competency to Stand Trial in Federal Courts: Conceptual and Constitutional Problems, 45 Univ. of Chicago L. Rev. 21, 38, Note 84 [1977]--dual purpose examinations are the customary practice in the U.S.

[90] *People v. Austria*, 260 SCRA 106 [1996]--the medical examination was conducted 1 ½ years after the crime's commission; *People v. Bonoan*, 64 Phil. 82 [1937]--the examinations were conducted 1 to 6 months after the crime; *People vs. Bascos*, 44 Phil. 204 [1922] --the medical exam was conducted immediately after commission of the crime.

[91] See *People v. Balondo*, 30 SCRA 155, 160 [1969].

[92] 29 SCRA 123 [1969].

[93] Id., at 129.

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