

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. FERNANDO MADARANG Y MAGNO, ACCUSED-APPELLANT.

G.R. No. 132319. May 12, 2000

Ponente: PUNO, J.

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PUNO, J.:

What distinguishes man from beast is his intellect. Man's action is guided and controlled by his mind. Law is designed for rational beings as it is based on our inherent sense of right which is inseparable from reason. Thus, when man's reasoning is so distorted by disease that he is totally incapable of distinguishing right from wrong, he loses responsibility before the law. In the case at bar, we are asked to resolve whether or not the accused, invoking insanity, can claim exemption from liability for the crime he committed.

Accused FERNANDO MADARANG y MAGNO was charged with parricide for killing his wife LILIA MADARANG in an Information[1] which reads:

"That on or about September 3, 1993, at Poblacion, municipality of Infante, province of Pangasinan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with evident premeditation and treachery, armed with a bladed weapon, did then and there, wilfully, unlawfully and feloniously attack and stab LILIA M. MADARANG, his legitimate wife, inflicting upon her stab wound 4 1/2 inches by 1 1/2 inch(es) long and 3/16 of an inch wide, located just below the left clavicle 1 3/4 inch(es) lateral to the supra-sternal notch, and plowed along the interpace slightly coursing upward and posteriorly and stab wound 1 inch in length, gaping and 3 1/2 inch(es) deep, located at the right arm at its medial aspect, coursing upwards and medially towards the apex of the right axilla which caused her instantaneous death, to the damage and prejudice of the heirs of Lilia M. Madarang."

"Contrary to Art. 246 of the Revised Penal Code."

At the arraignment, the accused refused to enter a plea. Pursuant to the Rules, the trial court entered a "not guilty" plea for him. At the initial hearing of the case on May 5, 1994, the accused's counsel manifested that his client had been observed behaving in an abnormal manner inside the provincial jail. Thus, the Court called the accused to the stand but he refused to answer any of the questions propounded by the court. Hence, on the same date, the Court issued an Order[2] directing the transfer of the accused to the National Center for Mental Health (NCMH) for psychiatric evaluation to determine his fitness to stand trial. CODES

The initial examination of the accused at the NCMH revealed that he was suffering from a form of psychosis known as schizophrenia. The accused was detained at the hospital and was administered medication for his illness. On June 19, 1996, after more than two (2) years of confinement, the accused was discharged from the NCMH and recommitted to the provincial jail as he was already found fit to face the charges against him.[3]

At the resumption of the hearing, a reverse trial was conducted. The accused proceeded to adduce evidence on his claim of insanity at the time he committed the offense.

As culled from the testimonies of the accused, his mother-in-law AVELINA MIRADOR, and his daughter

LILIFER MADARANG, the following facts were established: The accused and Lilia Mirador were legally married and their union was blessed with seven (7) children. The accused worked as a seaman for sixteen (16) years. He was employed in a United States ship until 1972. In 1973, he worked as a seaman in Germany and stayed there for nine (9) years, or until 1982. Thereafter, he returned to his family in Infanta, Pangasinan, and started a hardware store business. His venture however failed. Worse, he lost his entire fortune due to cockfighting.[4]

In the latter part of July 1993, the accused, his wife Lilia and their children were forced to stay in the house of Avelina Mirador as the accused could no longer support his family. Moreover, Lilia was then already heavy with their eighth child and was about to give birth.[5]

On September 3, 1993, at about 5:00 p.m., the accused and Lilia had a squabble. The accused was jealous of another man and was accusing Lilia of infidelity. In the heat of the fight and in the presence of their children, the accused stabbed Lilia, resulting in her untimely demise.[6]

AVELINA MIRADOR was then in the pigpen when she heard the children of the accused shouting and crying inside her house. She called out to them and asked what was wrong. She received no reply. Her nephew barged into the house and brought out the children one at a time, leaving the accused with Lilia. While passing by Avelina, her nephew warned her: "You better run." Avelina then saw the accused emerge from the house holding a bolo. She scampered for safety.[7]

She declared that during the period that the accused and his family stayed in her house, she did not notice anything peculiar in accused's behavior that would suggest that he was suffering from any mental illness. Neither did she know of any reason why the accused killed his wife as she never saw the two engage in any argument while they were living with her.[8]

The accused declared that he has absolutely no recollection of the stabbing incident. He could not remember where he was on that fateful day. He did not know the whereabouts of his wife. It was only during one of the hearings when his mother-in-law showed him a picture of his wife in a coffin that he learned about her death. He, however, was not aware of the cause of her demise. He claimed that he did not know whether he suffered from any mental illness and did not remember being confined at the NCMH for treatment.[9]

DR. WILSON S. TIBAYAN, a resident doctor of the National Center for Mental Health (NCMH), declared that the accused was committed to the NCMH on July 4, 1994 upon order of the court. The NCMH conducted three (3) medical and psychiatric evaluations of the accused during his confinement therein. Based on the first medical report, dated August 2, 1994,[10] the accused was found to be suffering from insanity or psychosis, classified as schizophrenia. Dr. Tibayan explained that schizophrenia is a mental abnormality characterized by impaired fundamental reasoning, delusions, hallucinations, preoccupation with one's thoughts, poor self-care, insight and judgment, and impaired cognitive, social and occupational functions. The patient may be incapable of distinguishing right from wrong or know what he is doing. He may become destructive or have a propensity to attack any one if his hallucinations were violent.[11] A schizophrenic, however, may have lucid intervals during which he may be able to distinguish right from wrong.[12] Dr. Tibayan opined that the accused's mental illness may have begun even prior to his admission to the NCMH and it was highly possible that he was already suffering from schizophrenia prior to his commission of the crime.[13]

By December 21, 1994, as per the second medical report, the accused was still suffering from schizophrenia. After one and a half years of confinement, the third psychiatric evaluation of the accused, dated May 27, 1996,[14] showed that his mental condition considerably improved due to continuous medication. The accused was recommended to be discharged from the NCMH and recommitted to jail to stand trial.[15]

The trial court convicted the accused as his evidence failed to refute the presumption of sanity at the time he committed the offense. The dispositive portion of the Decision reads:

"WHEREFORE, in view of all the foregoing facts and circumstances of this case, this Court is of the view that accused Fernando Madarang is of sound mind at the time of the commission of the offense and that he failed to rebut by convincing proof the evidence on record against him to exempt him from criminal liability. And since the death penalty was suspended or abolished at the time of the commission of the offense, this Court hereby sentences the accused FERNANDO MADARANG y MAGNO to suffer the penalty of reclusion perpetua and to pay the heirs of the victim the amount of Fifty Thousand (P50,000.00) Pesos.

"SO ORDERED." [16]

Hence this appeal.

The appellant insists that at the time he stabbed his wife, he was completely deprived of intelligence, making his criminal act involuntary. His unstable state of mind could allegedly be deduced from the following:

First. He had no recollection of the stabbing incident. Hence, he was completely unaware of his acts that fateful day and must have committed the crime without the least discernment.

Second. His behavior at the time of the stabbing proved he was then afflicted with schizophrenia. He cited the testimony of Dr. Tibayan that a schizophrenic may go into extremes -- he may be violent and destructive, or very silent and self-focused. The appellant exhibited his violent tendencies on that fateful day. He killed his wife and Avelina and her nephew were so frightened that they ran away at the sight of him holding a bolo. He did not seem to recognize anybody and could have turned to anyone and inflicted further injury. He avers that this is peculiar only to persons who are mentally deranged for a sane person who just committed a crime would have appeared remorseful and repentant after realizing that what he did was wrong.

Third. The appellant also relies on Dr. Tibayan's opinion that there was a high possibility that he was already suffering from insanity prior to his commission of the crime on September 3, 1993.[17] The defense posits that his mental illness may have been caused by his loss of fortune. His hardware business, which he started through 16 years of working as a seaman, went bankrupt. He ended up virtually dependent on his mother-in-law for his family's support and all these may have been beyond his capacity to handle.

The appellant further contends that the fact that he and his wife never engaged in a fight prior to that fateful day should be considered. The marked change in his behavior when he uncharacteristically quarreled with his wife on that day and suddenly turned violent on her confirms that he was mentally disturbed when he committed the crime.

Lastly, the appellant urges that he had no motive to kill Lilia who was scheduled to give birth to their eighth child three (3) days prior to the killing. Unless overpowered by something beyond his control, nobody in his right mind would kill his wife who was carrying his child. Jealousy, the appellant posits, is not a sufficient reason to kill a pregnant spouse.

We find these arguments without merit.

In all civilized nations, an act done by a person in a state of insanity cannot be punished as an offense. The insanity defense is rooted on the basic moral assumption of criminal law. Man is naturally endowed with the faculties of understanding and free will. The consent of the will is that which renders human actions laudable or culpable. Hence, where there is a defect of the understanding, there can be no free act of the will. An insane accused is not morally blameworthy and should not be legally punished. No purpose of criminal law is served by

punishing an insane accused because by reason of his mental state, he would have no control over his behavior and cannot be deterred from similar behavior in the future.[18]

A number of tests evolved to determine insanity under the law. In Anglo-American jurisprudence, the traditional test is the M'Naghten rule of 1843 which states that "to establish a defense on the ground of insanity, it must be clearly proved that, at the time of committing the act, the party accused was laboring under such a defect of reason from disease of the mind, as not to know the nature and quality of the act he was doing, or, if he did know it, that he did not know he was doing what was wrong." The M'Naghten rule is a cognitive measure of insanity as the accused is required to know two things: the nature and quality of the act, and that the act was wrong. This rule has been criticized for its ambiguity. It was debated whether the word "wrong" referred to moral or legal wrong. The importance of the distinction was illustrated by Stephen[19] as follows: A kills B knowing that he is killing B and it is illegal to kill B but under an insane delusion that God has commanded him to kill B to obtain the salvation of the human race. A's act is a crime if the word "wrong" means illegal but it is not a crime if the word "wrong" means morally wrong. The word "know" was also assailed as it referred solely to intellectual reason and excluded affective or emotional knowledge. It was pointed out that the accused may know in his mind what he is doing but may have no grasp of the effect or consequences of his actions.[20] M'Naghten was condemned as based on an obsolete and misleading concept of the nature of insanity as insanity does not only affect the intellectual faculties but also affects the whole personality of the patient, including his will and emotions. It was argued that reason is only one of the elements of a personality and does not solely determine man's conduct.[21]

Subsequently, M'Naghten was refined by the "irresistible impulse" test which means that "assuming defendant's knowledge of the nature and quality of his act and knowledge that the act is wrong, if, by reason of disease of the mind, defendant has been deprived of or lost the power of his will which would enable him to prevent himself from doing the act, then he cannot be found guilty." Thus, even if the accused knew that what he was doing was wrong, he would be acquitted by reason of insanity if his mental illness kept him from controlling his conduct or resisting the impulse to commit the crime. This rule rests on the assumption that there are mental illnesses that impair volition or self-control, even while there is cognition or knowledge of what is right and wrong.[22] This test was likewise criticized on the following grounds: (1) the "impulse" requirement is too restrictive as it covers only impulsive acts; (2) the "irresistible" requirement is also restrictive as it requires absolute impairment of the freedom of the will which cases are very rare; (3) it will not serve the purpose of criminal law to deter criminals as the will to resist commission of the crime will not be encouraged, and; (4) it is difficult to prove whether the act was the result of an insane, irresistible impulse.[23]

Then came the Durham "product" test in 1954 which postulated that "an accused is not criminally responsible if his unlawful act was the product of mental disease or defect." [24] Critics of this test argued that it gave too much protection to the accused. It placed the prosecution in a difficult position of proving accused's sanity beyond reasonable doubt as a mere testimony of a psychiatrist that accused's act was the result of a mental disease leaves the judge with no choice but to accept it as a fact. The case thus becomes completely dependent on the testimonies of experts.[25]

Then came the ALI "substantial capacity" test, integrated by the American Law Institute (ALI) in its Model Penal Code Test, which improved on the M'Naghten and irresistible impulse tests. The new rule stated that a person is not responsible for his criminal act if, as a result of the mental disease or defect, he lacks substantial capacity to appreciate the criminality of his act or to conform his conduct to the requirements of the law.[26] Still, this test has been criticized for its use of ambiguous words like "substantial capacity" and "appreciate" as there would be differences in expert testimonies whether the accused's degree of awareness was sufficient.[27] Objections were also made to the exclusion of psychopaths or persons whose abnormalities are manifested only by repeated

criminal conduct. Critics observed that psychopaths cannot be deterred and thus undeserving of punishment.[28]

In 1984, however, the U.S. Congress repudiated this test in favor of the M'Naghten style statutory formulation. It enacted the Comprehensive Crime Control Act which made the appreciation test the law applicable in all federal courts. The test is similar to M'Naghten as it relies on the cognitive test. The accused is not required to prove lack of control as in the ALI test. The appreciation test shifted the burden of proof to the defense, limited the scope of expert testimony, eliminated the defense of diminished capacity and provided for commitment of accused found to be insane.[29]

In the Philippines, the courts have established a more stringent criterion for insanity to be exempting as it is required that there must be a complete deprivation of intelligence in committing the act, i.e., the accused is deprived of reason; he acted without the least discernment because there is a complete absence of the power to discern, or that there is a total deprivation of the will. Mere abnormality of the mental faculties will not exclude imputability.[30]

The issue of insanity is a question of fact for insanity is a condition of the mind, not susceptible of the usual means of proof. As no man can know what is going on in the mind of another, the state or condition of a person's mind can only be measured and judged by his behavior. Establishing the insanity of an accused requires opinion testimony which may be given by a witness who is intimately acquainted with the accused, by a witness who has rational basis to conclude that the accused was insane based on the witness' own perception of the accused, or by a witness who is qualified as an expert, such as a psychiatrist.[31] The testimony or proof of the accused's insanity must relate to the time preceding or coetaneous with the commission of the offense with which he is charged.[32]

In the case at bar, the appellant was diagnosed to be suffering from schizophrenia when he was committed to the NCMH months after he killed his wife. Medical books describe schizophrenia as a chronic mental disorder characterized by inability to distinguish between fantasy and reality and often accompanied by hallucinations and delusions. Formerly called dementia praecox, it is the most common form of psychosis.[33] Symptomatically, schizophrenic reactions are recognizable through odd and bizarre behavior apparent in aloofness or periods of impulsive destructiveness and immature and exaggerated emotionality, often ambivalently directed. The interpersonal perceptions are distorted in the more serious states by delusions and hallucinations. In the most disorganized form of schizophrenic living, withdrawal into a fantasy life takes place and is associated with serious thought disorder and profound habit deterioration in which the usual social customs are disregarded.[34] During the initial stage, the common early symptom is aloofness, a withdrawal behind barriers of loneliness, hopelessness, hatred and fear. Frequently, the patient would seem preoccupied and dreamy and may appear "faraway." He does not empathize with the feelings of others and manifests little concern about the realities of life situations. The schizophrenic suffers from a feeling of rejection and an intolerable lack of self-respect. He withdraws from emotional involvement with other people to protect himself from painful relationships. There is shallowness of affect, a paucity of emotional responsiveness and a loss of spontaneity. Frequently, he becomes neglectful of personal care and cleanliness.[35] A variety of subjective experiences, associated with or influenced by mounting anxiety and fears precede the earliest behavioral changes and oddities. He becomes aware of increasing tension and confusion and becomes distracted in conversation manifested by his inability to maintain a train of thought in his conversations. Outwardly, this will be noticed as blocks or breaks in conversations. The schizophrenic may not speak or respond appropriately to his companions. He may look fixedly away, or he may appear to stare, as he does not regularly blink his eyes in his attempt to hold his attention.[36]

None of the witnesses presented by the appellant declared that he exhibited any of the myriad symptoms associated with schizophrenia immediately before or simultaneous with the stabbing incident. To be sure, the record is bereft of even a single account of abnormal or bizarre behavior on the part of the appellant prior to that

fateful day. Although Dr. Tibayan opined that there is a high possibility that the appellant was already suffering from schizophrenia at the time of the stabbing, he also declared that schizophrenics have lucid intervals during which they are capable of distinguishing right from wrong.[37] Hence the importance of adducing proof to show that the appellant was not in his lucid interval at the time he committed the offense. Although the appellant was diagnosed with schizophrenia a few months after the stabbing incident, the evidence of insanity after the fact of commission of the offense may be accorded weight only if there is also proof of abnormal behavior immediately before or simultaneous to the commission of the crime. Evidence on the alleged insanity must refer to the time preceding the act under prosecution or to the very moment of its execution.[38]

In the case at bar, we find the evidence adduced by the defense insufficient to establish his claim of insanity at the time he killed his wife. There is a dearth of evidence on record to show that the appellant was completely of unsound mind prior to or coetaneous with the commission of the crime. The arguments advanced by the appellant to prove his insanity are speculative and non-sequitur. For one, his claim that he has absolutely no recollection of the stabbing incident amounts to a mere general denial that can be made with facility. The fact that Avelina and her nephew were frightened at the sight of the appellant holding a bolo after he killed his wife does not, by any stretch of imagination, prove that the appellant has lost his grip on reality on that occasion. Neither is the appellant's seemingly non-repentant attitude immediately after he stabbed his wife an indicium of his alleged insanity. Even criminals of stable mental condition take this non-remorseful stance. Similarly, that the appellant and his wife were never seen quarreling prior to that fateful day does not by itself prove the appellant's unstable mental condition. Neither can it be said that jealousy is not a sufficient reason to kill a pregnant spouse. Our jurisprudence is replete with cases where lives had been terminated for the flimsiest reason.

The appellant attributes his loss of sanity to the fact that he lost his business and became totally dependent on his mother-in-law for support. We find this, however, purely speculative and unsupported by record. To be sure, there was no showing of any odd or bizarre behavior on the part of the appellant after he lost his fortune and prior to his commission of the crime that may be symptomatic of his mental illness. In fact, the appellant's mother-in-law declared that during the time that she knew the appellant and while he lived in her house, she did not notice anything irregular or abnormal in the appellant's behavior that could have suggested that he was suffering from any mental illness.

An accused invoking the insanity defense pleads not guilty by reason thereof. He admits committing the crime but claims that he is not guilty because he was insane at the time of its commission. Hence, the accused is tried on the issue of sanity alone and if found to be sane, a judgment of conviction is rendered without any trial on the issue of guilt as he had already admitted committing the crime.[39] As the appellant, in the case at bar, failed to establish by convincing evidence his alleged insanity at the time he killed his wife, we are constrained to affirm his conviction.

IN VIEW WHEREOF, the Decision of the trial court convicting the appellant of the crime of parricide is AFFIRMED in toto.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Kapunan, Pardo, and Ynares-Santiago, JJ., concur.

[1] Rollo, p. 5.

[2] Original Records, p. 40.

[3] As per note of Mrs. Clarita A. Aguilar, Administrative Officer III, Pavilion IV, NCMH; Original Records, p.

54.

- [4] TSN, Apellant Madarang, February 6, 1997, Original Records, pp. 118, 121, 124-125; TSN, Avelina Mirador, March 19, 1997, Original Records, pp. 148, 155-156.
- [5] TSN, Avelina Mirador, March 19, 1997, Original Records, pp. 151, 154-155.
- [6] TSN, Liliifer Madarang, April 2, 1997, Original Records, pp. 166-168.
- [7] TSN, Avelina Mirador, March 19, 1997, Original Records, pp. 150-152.
- [8] Id., pp. 149-150, 152 and 154.
- [9] February 6, 1997 TSN, Original Records, pp. 117-123.
- [10] Original Records, pp. 45-46.
- [11] January 8, 1997 TSN, Original Records, pp. 97-100.
- [12] Id., pp. 104 & 106.
- [13] Id., pp. 101-102.
- [14] Original Records, p. 52.
- [15] January 8, 1997 TSN, Original Records, pp. 100-101.
- [16] Decision, dated September 16, 1997, penned by executive Judge Angel L. Hernando, Jr.; Rollo, at p. 20.
- [17] January 8, 1997 TSN, pp. 5-6.
- [18] California Criminal Law and Procedure, William D. Raymond, Jr. and Daniel E. Hall, 1999 ed., at p. 223, citing Lord Mathew Hale's treatise.
- [19] A History of Criminal Law of England (1883), vol. ii, p. 149.
- [20] LaFave and Scott, Jr., Criminal Law, Second Edition, 1986, pp. 310-313.
- [21] Id., p. 317.
- [22] Id., p. 320.
- [23] Id., p. 321-323.
- [24] Durham vs. U.S., 214 F. 2d 862 (D.C. Cir. 1954)
- [25] Linda Anderson Foley, A Psychological View of the Legal System, 1993 edition, p. 267; LaFave, supra, p. 325.
- [26] LaFave, supra, p. 325.
- [27] Id., p. 331, citing inter alia, Kuh, The Insanity Defense – An Effort to Combine Law and Reason, 110 U. Pa. L. Rev. 771, 797-99 (1962)
- [28] LaFave, supra, p. 331.
- [29] Foley, supra, p. 268, citing the Report to the Nation on Crime and Justice, 1988, p. 87; 18 U.S.C.A. 20.
- [30] People vs. Aldemita, 145 SCRA 451 (1986); People vs. Ambal, 100 SCRA 324 (1980); People vs. Renegado, 57 SCRA 275 (1974); People vs. Cruz, 109 SCRA 288 (1960); People vs. Forigones, 87 Phil. 658 (1950)
- [31] California Criminal Law and Procedure, William D. Raymond, Jr. and Daniel E. Hall, 1999 ed., pp. 227-228.
- [32] People vs. Aldemita, supra.
- [33] Miller and Keane, Encyclopedia of Medicine and Nursing, 1972 ed., at p. 860.
- [34] Kolb's Modern Clinical Psychiatry, 1973 ed., p. 308.
- [35] Id., at p. 319.
- [36] Id., at p. 318.
- [37] January 8, 1997 TSN, Original Records, pp. 104 & 106.
- [38] People vs. Aldemita, supra.
- [39] California Criminal Law and Procedure, supra, p. 228.

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