

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. RANDY BELONIO Y LANDAS, APPELLANT.

G.R. No. 148695. May 27, 2004

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-148695/>

PER CURIAM:

For automatic review before this Court is the Decision[1] of the Regional Trial Court (RTC) of Negros Occidental (Branch 50 stationed in Bacolod City) in Criminal Case No. 00-20595, dated February 26, 2001, finding Randy Belonio y Landas guilty beyond reasonable doubt of the crime of Murder and sentencing him to death.

The Amended Information dated April 27, 2000, charged appellant with Murder as follows:

“That on or about the 6th day of January, 2000, in the City of Talisay, Province of Negros Occidental, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with an improvised knife, with intent to kill, and with treachery and evident premeditation, did then and there wilfully, unlawfully and feloniously attack, assault and stab one RAMY TAMAYO, thus causing injuries in the vital parts of the body of the latter which caused his instantaneous death.

“That accused RANDY BELONIO y LANDAS is a recidivist for having been convicted by final judgment of 4 years, two (2) months, one day to six years in Crim. Case 94-16609 entitled: People of the Philippines vs. Randy Belonio y Landas for Homicide.”[2]

Upon his arraignment on May 24, 2000,[3] appellant, assisted by his counsel de oficio, pleaded not guilty.

In his Brief,[4] the Solicitor General narrates the factual antecedents of the case, as summarized by the trial court, as follows:

“Jennifer Carampatana testified that on January 6, 2000, her grandmother was buried and there was a wake in their house at Brgy. Zone 14 in the evening. Her first cousin, the late Ramy Tamayo, also called Ramon Tamayo, arrived in their house at about 10:00 P.M. together with his wife.

“Jennifer invited Ramy to talk outside of their house. Before they could sit on a nearby bench, Ramy decided to buy cigarettes from a store only a few meters away. The store was furnished with a small opening for the store- keeper to attend to the customers and Ramy was occupying that space in front of the opening to pay when the accused Randy Belonio arrived. Randy tried to force his way in front of the opening and as a consequence, he bumped on Ramy. Jennifer saw that Randy gave Ramy a long and hard look.

“Jennifer said that he and Ramy sat and talked on the bench. The accused came over and sat on the other end of the bench. Then the accused asked Ramy for the latter’s cigarette lighter. The accused asked Ramy from what place did he come from and why was he there. Ramy answered the accused in a normal manner.

“The accused left but after a few minutes he returned, Jennifer, who was facing the direction of the approaching accused, saw him and noticed that he was wearing long sleeves. Ramy Tamayo could not see the accused as he was facing sideways to Jennifer. Without saying a word and without warning, the accused delivered a stabbing blow with a dagger which was concealed in his hand. Ramy was hit on the right chest, Jennifer stood up and ran towards her house shouting for help. There at the gate of the fence of her house, she

heard another thudding sound of a stabbing blow. When Jennifer entered her house, she announced that Ramy was stabbed.

“Jennifer and her relatives rushed out of the house. Jennifer saw the accused running away towards the back of the barangay hall. The Tanods who came over failed to find the accused. Then when the Barangay Captain and the policemen arrived, Jennifer informed them of the direction towards which the accused fled. The accused was arrested from one (1) of the houses near the barangay hall where he took refuge.

“Dr. Raul V. Pama, Jr. was the acting City Health Officer of Talisay City on January 6, 2000. He conducted an autopsy on the remains of Ramy Tamayo and listed his findings in a necropsy report which he prepared. These findings are as follows:

- ‘Stabbed wound, 1.7 cm. in length, sutured sharp on one (1) and (inferior portion) and blunt on the other end (superior portion) located at the 4th intercostal space;

‘Dr. Pama explained that the wound is just above the left nipple and it penetrated downward hitting the left side on the heart;

- ‘Stabbed wound at the sternal. The wound is situated just above the site of the first wound.’

‘The first wound was fatal as it damaged the heart.’”[5]

In his Brief,[6] Randy Belonio adopted the above findings of the trial court and the prosecution. However, he raises the defense of insanity, an exempting circumstance, and for such purpose, depends on the expert assessment of his witness, Dr. Antonio Gauzon, who certified thus:

“This is an individual who is suffering from (Schizophrenia), Chronic Undifferentiated and probably triggered by (s)ubstance abuse of Shabu and Marijuana.

“Recommending treatment and rehabilitation in a mental institution like the National Center for Mental (H)ealth in Mandaluyong City or treatment in the psychiatric unit of the Corazon Locsin Montelibano Regional Hospital in Bacolod City and later rehabilitation in the Negros (O)ccidental Mental Health Center at Paglaum Village, Bacolod City.”[7]

The RTC was convinced beyond reasonable doubt that appellant was guilty of Murder and that he had full control of his mental faculties. It held that the testimony of Dr. Ester Regina Servando was more weighty and credible than that of Dr. Gauzon.[8]

The trial court convicted appellant, thus:

“FOR ALL THE FOREGOING, the Court finds the accused Randy Belonio y Landas GUILTY beyond reasonable doubt of the crime of Murder defined and penalized under Article 248 of the Revised Penal Code as charged in the Information, as Principal by Direct (Participation) with the qualifying aggravating circumstance of treachery and the special aggravating circumstance of recidivism. There are no other aggravating circumstances nor is there any mitigating circumstance. Accordingly, the accused is sentenced to suffer the supreme penalty of DEATH.

“The accused is held civilly liable to pay the heirs of Randy Tamayo the following amounts:

“1. The sum of P50,000.00 as death indemnity;

“2. The sum of P3,629.70 as reimbursement for hospital expenses;

“3. The sum of P940,716.00 as compensatory damages; and

“4. The sum of P100,000.00 in favor of Mrs. Jinky Tamayo as moral damages.”[9]

Hence this automatic review.

In his brief, appellant assigns this lone alleged error of the court a quo for our consideration:

“The trial court seriously erred in not appreciating the exempting circumstance of insanity pursuant to Article 12 of the Revised Penal Code, as amended favoring the accused-appellant.”[10]

In support of his appeal, appellant argues that he was not in his right and normal frame of mind when the killing took place. He avers that no normal person would ever bump another person, give the latter a hard look and eventually stab him to death. He adds that he and the victim did not know each other at that time.[11]

Appellant also asseverates that Dr. Gauzon is a reliable expert witness and is more knowledgeable and experienced than Dr. Servando.[12] He explains that Dr. Servando was once under the tutelage of Dr. Gauzon and that at the time of their respective testimonies, the former was only 37 years old, while the latter was 57 years old.[13] Appellant also cites portions of the trial court’s Decision where Dr. Gauzon referred him to the Bacolod City Health Office for psychiatric examination. The trial court also branded the accused as a homicidal maniac, which appellant says, is judicial notice of his mental sickness.[14] In sum, he concludes that all of these circumstances show that he was insane at the time of the killing.

We find these arguments without merit.

The moral and legal presumption is that one acts with free will and intelligence, and that a felonious or criminal act has been done with deliberate intent, that is, with freedom and intelligence.[15] Whoever, therefore, invokes insanity as a defense has the burden of proving its existence.

Insanity is a defense in the nature of confession and avoidance, and as such must be adequately proved.[16] The law presumes that all persons are of sound mind, and that acts are done consciously.[17]

In the case at bar, the defense utterly failed to discharge its burden of proving that appellant was insane. The testimony or proof of appellant’s insanity must relate to the time preceding or the very moment of the commission of the offense charged.[18] We find the evidence adduced by the defense sorely insufficient to establish his claim that he was insane at the time he killed Tamayo.

The main circumstances presented by the defense that remotely evinces that appellant was insane at that time was his act of bumping the victim, without any apparent reason, giving him a long hard look, and then eventually stabbing him. However, this sequence of events cannot overcome the legal presumption of sanity, let alone prove appellant’s insanity.

In the eyes of the law, insanity exists when there is a complete deprivation of intelligence in committing the act. Proof of the existence of some abnormality of the mental faculties will not exclude imputability, if it can be shown that the offender was not completely deprived of freedom and intelligence.[19] As culled from the trial court’s findings, Belonio, after giving the victim a hard and resentful look, sat near the latter, lighted his cigarette and conversed with him.[20] Afterwards, he left and came back armed with a dagger with which he stabbed Tamayo. Immediately thereafter, he escaped and went into hiding. Contrary to a finding of the existence of insanity, these acts tend to establish that Belonio was well aware of what he had just committed, and was capable of distinguishing right from wrong. Otherwise, he would not have attempted to escape and go into hiding.

Aside from the “bumping” incident earlier discussed, the only other evidence of insanity that appellant could relevantly point to is the medical certificate prepared by Dr. Antonio Gauzon stating that Belonio was suffering from schizophrenia. This witness was presented to refute the findings of the prosecution’s expert witness Dr. Ester Regina Servando which negated the existence of this mental condition.

A run-through of Dr. Gauzon's testimony strengthens this Court's resolve to affirm the lower court's findings. Part of his testimony is reproduced as follows:

“ATTY. JACILDO:

Q.

Now, from this Medical Certificate, Doctor, there is specifically mentioned here that the subject here ‘was found to be incoherent and irrelevant and disoriented as to time, person and place, and that there was plight of ideas and adjustment, as well as insights.’ Will you kindly explain this to this Honorable Court?

A.

What meant there is that, when you talk to the individual, sometimes you get answers right, sometimes it is wrong. That is when you say that he is incoherent. When you say irrelevant, that pertain to the question. Now, as far as dates, he could not remember the date. As far (as) the place, he could not recall the place when he was in my office. And some of the persons that were with him, he could not identify them. Now, when I say that there was plight of ideas, that (was) when he was talking. As a matter of fact, I gave an example, when I asked a question – when I asked him about the first killing incident and his answer was, ‘face to face kami, simbahan namon kag inagaw namon ang baril’ because of warship. That is only one, because there were others that you could not understand what he was talking about whether you have to rely only on other things. And sometimes, he would talk on things which are not there. That means he was hallucinating. Now, judgment is usually poor. Because, when I asked him of what he will do regarding the case, he would just say that, ‘Ti, amo na ya.’ And he said, ‘Ano kamo da ya?’ kay ang warship. So, I was asking him about the values of what he was doing and he could not give me that answer. And he does not know what he was doing. That means that there was no reality testing. He does not know what is the real fantasy.

X X X X X X X X

Q. Now in your opinion as an expert in terms of Psychiatry, about how long has the subject, Randy Belonio, been suffering from his mental disorder that you mentioned in your Medical Certificate?

A. Since childhood. If you would notice, I put there in the history that his father was medically disabled when he was ten (10) years old, and the mother was only a fish vendor and there were, I think, eight (8) to ten (10) in the family and with a meager income and have to (fend) for themselves. And in a very young age of ten (10), the parents had the attitude of ‘Bahala na ang kabata-an’. That means, they have to take care of themselves. At age 13, he was brought by the relative to Manila, and although he was incoherent, you can get from his answer by mentioning so many places, (like) Manila, Pasay, Caloocan, Novaliches, MRT, Cubao. That means, at age 13, he was already around these areas (f)ending for himself. And the (s)reet (u)rchins, you know for a fact, that they are influenced by drugs. So, by that time, with that dysfunctional family, and without any family to take care of himself, he was not doing what the society expects him to do. So that they have dysfunctional family and with dysfunctional relatives. So, the value system was really poor. So that the thinking process of this individual was not developed to what the society expects him to be. So, it started at that time. So,

when he was taking shabu, it triggered every tissue that the symptoms came out. That's why, he became suspicious, (he) became irritable and anybody who would try to not befriend him and tried to be angry with him, he would immediately suspect that something would happen to him in which he would react by defending himself, and probably by killing. This individual had, actually, committed, say, killing. I would not say murder because that's your term, but he had killed already three (3) persons in different years. So, he does not already know what he was doing because he was psychotic, which in your parlance is insane.

Q. Now, Doctor, on January 6, 2000, and even prior to this date, what you are trying to say is that, this subject, Randy Belonio, was already suffering from schizophrenia?

A. Yes.”[21]

Dr. Gauzon testified that based on his interview with Belonio on October 25, 2000 (around nine months after the stabbing incident) the latter was suffering from schizophrenia. However, the evidence of insanity after the fact of commission of the offense may be accorded weight only if there is also proof of alleged abnormal behavior immediately before or simultaneous to the commission of the crime.[22]

The first set of facts narrated by the doctor relates to Belonio's condition during the interview, months after the incident. His report was silent as regards the incidents occurring prior to or during the circumstance for which Belonio stands trial. The second part of his testimony dwelt on Belonio's life history, which was offered to prove that he had been suffering from his alleged condition since childhood.

However, perusing the story as narrated by the doctor, the same was a mere statement of Belonio's life and family history, explaining what brought about his supposed mental condition. There was no showing that he was actually suffering from schizophrenia during his juvenile years. To demonstrate that he had been suffering from this condition, the doctor pointed to the fact that he has already killed three (3) persons, including the present incident. However, such conclusion is non sequitur and, at best, a circuitous argument. Further, the veracity of these findings is belied by the fact that the accused did not raise this defense during his prosecutions for the other killings. No other circumstances evincing its existence were presented during trial.

Furthermore, Dr. Gauzon's examination cannot surmount Dr. Servando's punctilious and overwhelming analysis, which took two days to narrate. She explained the history of the accused, including his family and medical background, conducted a mental status examination, which was based on her direct interviews with him, and gave a series of other written psychological examinations.[23]

The portion of Dr. Servando's testimony pertinent to her findings regarding Belonio's mental condition is quoted as follows:

“FISCAL AGRAVIADOR:

Q.

Can you please read for the record this (r)esult which consist only of one (1) sentence?

A.

Psychiatric Evaluation Result. Base(d) on history, mental status examination, and psychological examination, patient was noted to be evasive, suspicious, and manipulative but no psychotic features were observed upon evaluation. x x x.

Q. So, let us first, may I ask, what do you me(a)n by ‘patient was noted to be evasive, suspicious, and manipulative’?

A. Actually, during the psychological examination, we have to give series of questions. And then the patient (does) not answer directly to our question. He would go around the bush. And then, after that, we also found out during the result of the psychological examination that the same pattern was noted.

Q. Does this mean that he was totally capable of being manipulative or evasive?

A. Yes.

Q. He did it intentionally?

A. Yes.

Q. With the knowledge that he knew the answer but does not want to give the answer?

A. Yes.

Q. Meaning to say, that he has full control of his mental faculties that time?

A. Yes.

Q. Because there was an intention to be manipulative and there was an intention to be evasive because he was suspicious?

A. Yes.

Q. When you said that there was no psychotic features(,) x x x (w)hat does this mean?

A. When you say psychosis, those are compose[d] of symptoms such as delusion and hallucination that are being extracted from the patient or being displayed by the patient. However, during the examination, the symptom or the patient’s answers are not enough to put him to a criteria of psychosis because the delusion and the hallucination as well as the thought process, the thought contents must be concretized enough in order for us to determine to diagnose that this patient is actually suffering from psychosis.

Q. So, subjected to your examination, this patient did not come up to the level where he could be diagnosed as having delusion and hallucinations?

A. Leading to psychotic features.

Q. So, that is the meaning of not having psychotic features?

A. Yes.”[24]

The insanity issue raised by appellant boils down to the credibility of these two expert witnesses and their respective testimonies. The time-honored doctrine is that the question of which witness to believe is one best addressed by the trial court. The findings of fact of the judges who heard the evidence are accorded great respect and are seldom disturbed on appeal for they had the opportunity to directly observe the witnesses, and to determine by their demeanor on the stand the probative value of their testimonies.[25] The Court finds no cogent reason to disturb the ruling of the trial court which found Dr. Servando’s testimony more credible for the following reasons:

“1. It could not be gainsaid that Dr. Servando is a disinterested and unbiased witness. She does not know the accused and she is not known to the accused. She will not be benefited if the Court upholds her findings and she had no reason to testify falsely. On the other hand, Dr. Gauzon was admittedly paid for his services, hence, it could not be truly said that he is an impartial and disinterested witness. If his findings (are) upheld, the benefit to the practice of his profession is enormous;

“2. As a government official, Dr. Servando has the presumption of regularity in the performance of her duty. No such presumption arises in favor of Dr. Gauzon;

“3. The findings of Dr. Servando that the accused is evasive and manipulative is supported by the Court’s own observation. x x x.

x x x x x x x x

“4. The conclusion of Dr. Gauzon is principally based on his interview with the accused and the members of the accused’s family. It was the members of the accused’s family, the sister of the accused who informed Dr. Gauzon that at the age of 13, the accused began to use drugs. The information that the family of the accused was impoverished; that the accused spent his adolescence in Metro-Manila; that the accused was a neglected child were all supplied by the kins of the accused who were not presented as witnesses. There was no showing that Dr. Gauzon took precautionary steps to validate the information. On the other hand, Dr. Servando also conducted interview of the accused and his accompanying relatives including the BJMP guard who escorted him. In addition, Dr. Servando conducted a series of written tests which are tailored to determine the mental capacity of a person. The result of the written tests confirms the observation of Dr. Servando in the interview that the accused is evasive and manipulative.”[26]

Unlike in other jurisdictions, Philippine courts have established a more stringent criterion for the acceptance of insanity as an exempting circumstance. In our jurisdiction, mere abnormality of the mental faculties is not enough; there must be a complete deprivation of intelligence in committing the act.

Every individual is presumed to have acted with complete grasp of one’s mental faculties. Appellant’s past does not discredit the facts that (1) he did not act with complete absence of the power to discern; (2) he was not deprived of reason; and (3) he was not totally deprived of his will.

As held in *People vs. Madarang*,[27]

“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. x x x.”[28]

Inasmuch as Belonio failed to present convincing evidence to establish his alleged insanity at the time he stabbed Tamayo, we are constrained to affirm his conviction.

We must add that we have meticulously reviewed the records of this case, especially the evidence of the prosecution. We find no reason to modify, much less reverse, the findings of the trial court that, indeed, appellant’s guilt for murder has been proven beyond reasonable doubt.

We now look into the propriety of the penalty imposed by the trial court.

Under Art. 248 of the Revised Penal Code, as amended by RA 7659, any person found guilty of murder shall be punished by reclusion perpetua to death. The same Code further instructs that when in the commission of the crime there is present an aggravating circumstance which is not offset by any mitigating circumstance, the greater penalty shall be applied.[29]

A review of the records supports the conclusion of the trial court on the presence of treachery, which qualified the crime to murder. For treachery to be appreciated, two elements must concur: (1) the means of execution employed gave the person attacked no opportunity to defend himself or retaliate; and (2) the means of execution was deliberately or consciously adopted.[30]

In the present case, Jennifer Carampatana testified on how the killing was executed, as follows:

“Q. What did you do there?

A. While we were conversing at that bench, after a short while, or five (5) minutes, Randy Belonio came and he asked to light his cigarette because Ramy was smoking at that time. He was allowed by Ramy to light his cigarette.

Q. Was there any conversation between Ramy Tamayo and Randy Belonio aside from asking lighting of cigarette?

A. While asking to light the cigarette, Randy inquired from Ramy why he was there, Ramy told him that he is attending the wake of his grandmother. Further, Randy asked him where he came from? And Ramy answered that he is from Hda. Bubog.

Q. After that what did Randy Belonio do if he did anything?

A. He (sat) for a while, and a little while after that, he took a look at Ramy. After some minutes, he went out.

Q. And after few minutes was there any incident happened?

A. After three (3) minutes Randy went back. He just walk normally, and when he was near Ramy he stabbed Ramy hitting on the chest and while the weapon was still on the breast of Ramy I stood up and ran away.

Q. From what direction did Randy came when he approach you?

A. He came from their house because their house is near our house.

Q. In relation to you, where is this house located?

A. Witness indicating that he came from her side, where the house is situated.

Q. And which side did you sit, the side near the direction of the house of Randy Belonio or far from the house of Belonio?

A. The other side.

COURT:

It was Ramy who was sitting near the house of Ramy?

WITNESS:

Yes, sir.

APP AGRAVIADOR:

Q. And what was the position of Ramy Tamayo when he was suddenly stab.

A. He was sitting in this manner.

COURT INTERPRETER:

Witness illustrating by crossing her legs over the other legs and move slightly her body was in side way.

APP AGRAVIADOR:

Q. That means that Ramy Tamayo did not see Randy Belonio who was coming from the house?

A. Yes, Ma'am.

COURT:

Let me interrupt. He was facing you? Ramy was facing you while you were facing the direction where the house of Randy Belonio, so that Ramy was facing on the other side?

WITNESS:

A. Yes, sir.

COURT:

Proceed.

APP AGRAVIADOR:

Q. When Randy Belonio suddenly thrust the knife on the chest of Ramy Tamayo, did you see the reaction of Ramy Tamayo?

A. He was not able to move. After that, I want to ran to the house.

APP AGRAVIADOR:

Q. When for the first time did you see the weapon used by Randy Belonio in taking the life of Ramy Tamayo?

A. When he thrust that knife.

COURT:

Before or after he delivered the stabbing blow?

A. At the moment he delivered the stabbing blow, that was the first time I saw that knife.

APP AGRAVIADOR:

Q. When you saw Randy Belonio approaching Ramy Tamayo x x x, you did not see the knife?

A. Because he was wearing long sleeve to cover his hand.”[31]

Appellant’s acts of leaving, then returning after a few minutes armed with a knife -- which he concealed while approaching the victim and which he used in stabbing him -- while the latter was sitting, unaware and not forewarned of any danger, manifest a deliberate employment of means to ensure the killing without risk to himself arising from the defense which the victim might make.

The aggravating circumstance of recidivism, which was alleged in the Information was also duly proven. “A recidivist is one who at the time of his trial for one crime, shall have been previously convicted by final judgment of another crime embraced in the same title of this Code.”[32] The records[33] show that appellant was previously convicted by final judgment of Homicide, which like Murder, falls under the title of “Crimes against Persons.”

The award by the court a quo of P50,000 as civil indemnity is in accordance with jurisprudence.[34] The amount

of P25,000 as exemplary damages should also be given because of the presence of the aggravating circumstance of recidivism. However, the court erred in awarding the amount of P940,716 as loss of earning capacity. In “accordance with the formula adopted by the Court in *Villa Rey Transit, Inc. vs. CA* (31 SCRA 511 [1970]), and using the American Expectancy Table of Mortality,”[35] the loss of Tamayo’s earning capacity is to be computed as follows:

Net earning capacity = Life expectancy x (Gross Annual Income – Living Expenses)

where: Life expectancy = $\frac{2}{3}$ (80 – the age of the deceased)

= $\frac{2}{3}$ (80-24) x [(P200x365)-P36,500]

=P1,362,545

The award for loss of earning capacity should therefore be P1,362,545.

There being testimonial evidence in support of moral damages, an award for it is proper. However, it should be reduced to the more reasonable amount of P50,000 considering that it is not meant to enrich an injured party.

Actual damages for the hospital expenses in the amount of P3,627.70 were duly supported by receipts. However instead of awarding actual damages, we grant temperate damages in accordance with *People vs. Andres*,[36] where the Court said:

“[W]e declared in the case of *People vs. Villanueva* that:

‘... when actual damages proven by receipts during the trial amount to less than P25,000, as in this case, the award of temperate damages for P25,000 is justified in lieu of actual damages of a lesser amount. Conversely, if the amount of actual damages proven exceeds P25,000, then temperate damages may no longer be awarded; actual damages based on the receipts presented during trial should instead be granted.’

“The victim’s heirs should, thus, be awarded temperate damages in the amount of P25,000.”[37]

Three Justices of the Court maintain their position that R.A. No. 7659 is unconstitutional insofar as it prescribes the death penalty. Nevertheless they submit to the ruling of the majority that the law is constitutional and the death penalty can be lawfully imposed in the case at bar.

WHEREFORE, the assailed Decision in Criminal Case No. 00-20595 convicting the appellant of the crime of murder and sentencing him to DEATH is AFFIRMED. The award for loss of earning capacity is INCREASED to P1,362,545; moral damages is REDUCED to P50,000; actual damages is DELETED but temperate damages of P25,000 and exemplary damages of P25,000 are awarded.

In accordance with Section 25 of R.A. 7659 amending Section 23 of the Revised Penal Code, let the records of this case be forthwith forwarded, upon finality of this decision, to the Office of the President for possible exercise of the pardoning power.

Costs against appellant.

SO ORDERED.

Vitug, Panganiban, Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio Morales, Callejo, Sr., Azcuna, and Tinga, JJ., concur.

Davide, Jr., C.J., and Puno, J., on official leave.

-
- [1] Penned by Judge Roberto S. Chiongson.
- [2] Rollo, p. 12; records, p. 44; the original Information filed on January 27, 2000 was amended to include the additional aggravating circumstance of recidivism.
- [3] See Certificate of Arraignment; records, p. 41.
- [4] Rollo, pp. 101-128.
- [5] Appellee's Brief, pp. 4-7; rollo, pp. 106-109. Citations omitted.
- [6] Rollo, pp. 60-73.
- [7] Appellant's Brief, p. 5; rollo, p. 66. See also Medical Certificate dated October 25, 2000; records, p. 109.
- [8] RTC Decision, p. 15; rollo, p. 35.
- [9] RTC Decision, pp. 22-23; rollo, pp. 42-43.
- [10] Appellants' Brief, p. 1; rollo, p. 62.
- [11] *Id.*, pp. 7 & 68.
- [12] *Ibid.*
- [13] *Id.*, pp. 8 & 69.
- [14] *Id.*, pp. 10 & 71.
- [15] *People vs. Aldemita*, 145 SCRA 451 (1986), citing *Art. 800, Civil Code*; *US vs. Martinez*, 34 Phil. 305, 308 (1916); *People vs. Cruz*, 109 Phil. 288, 292 (1960); *People vs. Tagasa*, 68 Phil. 147, 153 (1939); *US vs. Guevarra*, 27 Phil. 547 (1914); *People vs. Renegado*, 156 Phil. 260, 272 (1974); *US vs. Zamora*, 32 Phil. 218 (1915); *People vs. Bascos*, 44 Phil. 204 (1923).
- [16] *People vs. Ambal*, 100 SCRA 325 (1980); *People vs. Dungo*, 199 SCRA 860 (1991).
- [17] *Art. 800, Civil Code* states: "The law presumes that every person is of sound mind, in the absence of proof to the contrary."
- [18] *People vs. Madarang*, 387 Phil 846, 859 (2000), citing *People vs. Aldemita*, *supra*.
- [19] *People vs. Ambal*, *supra*; *People vs. Renegado*, *supra*; *People vs. Cruz*, *supra*; *People vs. Formigones*, 87 Phil. 658, 661 (1950), quoting *Guevara, Commentaries on the Revised Penal Code*, 4th ed.
- [20] RTC Decision, p. 18; rollo, p. 38.
- [21] TSN, November 8, 2000, pp. 7-12.
- [22] *People vs. Madarang*, *supra*, p. 861.
- [23] TSN, December 13, 2000, pp. 13-15.
- [24] *Id.*, pp. 17-19.
- [25] *People vs. Villanueva*, 265 SCRA 216 (1996); *People vs. Bantiling*, 420 Phil. 849 (2001); *People vs. Matondo*, 421 Phil. 944 (2001); *People vs. Yaoto*, 421 Phil. 963 (2001); *People vs. Del Valle*, 423 Phil. 541 (2001); *People vs. Ariola*, 418 Phil. 808 (2001); *People vs. Dela Cruz*, 412 Phil. 273 (2001).

[26] RTC Decision, pp. 15-17; rollo, pp. 35-37.

[27] *Supra*.

[28] *Id.*, p. 862, citing William D. Raymond Jr. and Daniel E. Hall, *California Criminal Law and Procedure*, 1999 ed., p. 228. *Italics in the original.*

[29] Art. 63, par. 1.

[30] *People vs. Solayao*, 423 Phil. 387 (2001); *People vs. Sualog*, 344 SCRA 690 (2000).

[31] TSN, July 19, 2000. pp. 11-15.

[32] Art. 14, par. 9, Revised Penal Code.

[33] Exhibit A, October 28, 1994 Order in Criminal Case No. 94-16609 for Homicide, sentencing appellant after a plea of guilty. Exhibit A-1, Certification to the effect that appellant applied for probation, which was denied.

[34] *People vs. Palabrica*, 357 SCRA 533 (2001); *People vs. Quimson*, 419 Phil. 28 (2001).

[35] *People vs. Sanchez*, 367 SCRA 520, 531 (2001).

[36] G.R. Nos. 135697-98, August 15, 2003.

[37] *Id.*, pp. 18-19.

ABOUT BATAS.ORG

Study smarter at BATAS.org

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

The complete Philippine law library - free for everyone.

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

Audio case-brief lectures.

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

Bar review built on the science of memory.

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

The full law-school curriculum.

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

Mock exams that tell you where you stand.

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

A study planner that keeps you on pace.

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

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

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

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

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