

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JESUS DOMINGO, ACCUSED-APPELLANT.

G.R. No. 184343. March 02, 2009

Ponente: CHICO-NAZARIO, J.

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CHICO-NAZARIO, J.:

Appellant Jesus Domingo assails the Decision[1] of the Court of Appeals dated 30 April 2008 in CA-G.R. CR No. 30511, modifying the Decision[2] dated 13 November 2006 of Branch 13 of the Regional Trial Court (RTC) of Malolos, Bulacan. The Court of Appeals found appellant guilty beyond reasonable doubt of murder in Criminal Cases No. 1496-M-2000 and No. 1497-M-2000, attempted murder in Criminal Cases No. 1498-M-2000 and No. 1501-M-2000, frustrated murder in Criminal Case No. 1500-M-2000, and frustrated homicide in Criminal Case No. 1499-M-2000.

On 7 March 2003, six Informations[3] were filed before the RTC charging appellant with the following offenses:

Criminal Case No. 1496-M-2000 for Murder

"That on or about the 29[th] day of March 2000, in the municipality of San Rafael, Province of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with a kitchen knife and screw driver and with intent to kill one Marvin G. Indon, with evident premeditation, treachery and taking advantage of superior strength, did then and there willfully, unlawfully and feloniously attack, assault, stab and hit with the kitchen knife and screw driver said Marvin G. Indon, hitting him on his body thereby inflicting thereon mortal wounds which directly caused his death."

Criminal Case No. 1497-M-2000 for Murder

"That on or about the 29[th] day of March 2000, in the municipality of San Rafael, Province of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with a kitchen knife and screw driver and with intent to kill one Melissa G. Indon, with evident premeditation, treachery and taking advantage of superior strength, did then and there willfully, unlawfully and feloniously attack, assault, stab and hit with the kitchen knife and screw driver said Melissa G. Indon, hitting her on different parts of her body thereby inflicting thereon mortal wounds which directly caused her death."

Criminal Case No. 1498-M-2000 for Frustrated Murder

"That on or about the 29[th] day of March 2000, in the municipality of San Rafael, Province of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with kitchen knife and screw driver, did then and there willfully, unlawfully and feloniously, with evident premeditation and treachery attack, assault and hit with the said screw driver one Michelle G. Indon, a minor of 9 years old, hitting her on her back and buttocks, thereby inflicting on her serious physical injuries which ordinarily would have caused the death of the said Michelle G. Indon, thus performing all the acts of execution which should have produced the crime of murder as a consequence, but nevertheless did not produce it by reason of causes independent of his will, this is, by the timely and able medical assistance rendered to said Michelle G. Indon."

Criminal Case No. 1499-M-2000 for Frustrated Murder

"That on or about the 29[th] day of March 2000, in the municipality of San Rafael, Province of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with a kitchen knife and screw driver, did then and there willfully, unlawfully and feloniously, with evident premeditation and treachery, attack, assault, stab and hit with the said kitchen knife and screw driver one Ronaldo Galvez, hitting him on different part of his body, thereby inflicting on him serious physical injuries which ordinarily would have caused the death of Ronaldo Galvez, thus performing all the acts of execution which should have produced the crime of murder as a consequence, but nevertheless did not produce it by reason of causes independent of his will, that is, by the timely and able medical assistance rendered to said Ronaldo Galvez."

Criminal Case No. 1500-M-2000 for Frustrated Murder

"That on or about the 29[th] day of March 2000, in the municipality of San Rafael, Province of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with a kitchen knife and screw driver, did then and there willfully, unlawfully and feloniously, with evident premeditation and treachery, attack, assault, stab and hit with the said kitchen knife and screw driver one Raquel Gatpandan Indon, hitting her on the different parts of her body, thereby inflicting on her serious physical injuries which ordinarily would have caused the death of the said Raquel Gatpandan Indon, thus performing all the acts of execution which should have produced the crime of murder as a consequence, but nevertheless did not produce it by reason of causes independent of his will, that is, by the timely and able medical assistance rendered to said Raquel Gatpandan Indon."

Criminal Case No. 1501-M-2000 for Attempted Murder

"That on or about the 29[th] day of March 2000, in the municipality of San Rafael, Province of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with a kettle and with intent to kill one Jeffer G. Indon, did then and there willfully, unlawfully and feloniously, with evident premeditation and treachery, commence the commission of murder directly by overt acts, that is by attacking, assaulting, and hitting the said Jeffer G. Indon, a 2 year old boy, with the kettle, hitting the latter on his head, thereby inflicting upon him physical injuries and if the accused was not able to accomplish his purpose, that is to kill the said Jeffer G. Indon, it was not because of his voluntary desistance but due to the timely intervention of third persons."

On 7 September 2000, appellant, with the assistance of counsel, was arraigned and he entered separate pleas of "Not Guilty" to the crimes charged. Thereafter, pre-trial conference was held, and trial ensued accordingly.[4]

Evidence for the prosecution consisted of the testimonies of complainants Raquel Indon, Jeffer Indon, and Michelle Indon; Dr. Jacinto Caluag; Police Officer (PO) 3 Asher Villegas and PO2 Rogelio Santos.

Complainant Raquel Indon testified that between 1:00 a.m. and 2:00 a.m. of 29 March 2000, she and her minor children Melissa, Michelle, Marvin and Jeffer were sleeping inside their house in Caingin, San Rafael, Bulacan, when she was awakened by the sound of appellant kicking their door open. Raquel narrated that she immediately recognized the accused, since the kitchen light illuminated his face. Armed with a screwdriver and a kitchen knife, appellant cut the cord of the mosquito net and repeatedly stabbed her, using the six-inch screwdriver, and hit her right arm three times. She screamed and was heard by her sister-in-law, whose house was contiguous to theirs. When her sister-in-law asked her for the identity of the assailant, she immediately identified herein appellant as "Doser," a name by which he is known in the community. Appellant was angered by her reply and said, "Anong Doser?" and thereafter pulled a kitchen knife from his right side and stabbed her on the stomach. When she tried to escape from the room, four-year-old Marvin rushed towards her. She then grabbed him and ran towards the gate. However, before reaching the gate, she fell down and appellant stabbed her right leg. The appellant then

proceeded to stab Marvin, hitting the latter twice on the arm and twice on his left chest. Marvin died on 3 April 2000 as a result of these injuries. After stabbing Marvin, appellant returned back to the house, towards Raquel's two daughters Michelle and Melissa. When Raquel pleaded that the appellant spare her daughters' lives, he retorted: "Ngayon pa, nagawa ko na." Melissa died because of the stab wounds that the appellant inflicted on her; while Michelle, who was able to hide under the papag merely sustained serious physical injuries. The appellant also attacked two-year-old Jeffer by striking him on the head with the screwdriver, but the latter managed to run to the house of Raquel's sister-in-law. Raquel got up and ran for help, but the appellant followed her. Their neighbor, Ronaldo Galvez, came to their rescue and tried to subdue the appellant. Raquel, thereafter, lost consciousness. She also relayed that she was later informed that a struggle ensued between appellant and Galvez. Appellant inflicted wounds on Galvez's upper left chest and arms, after which Galvez was able to hit appellant with a piece of wood, which rendered the latter unconscious. Raquel, Melissa, Marvin, Jeffer, Galvez and the appellant were taken to the hospital.[5]

Raquel also testified that she spent P15,000.00 for the casket of Melissa Indon, P27,000.00 for the burial expenses of Melissa Indon and Marvin Indon, and approximately P30,000.00 for the food served during their wake. She also stated that because of her stab wounds, she spent P90,000.00 for hospitalization expenses and medicines. However, the receipts were lost except those issued by Sagrada Familia Hospital and Bulacan Provincial Hospital.[6]

Jeffer Indon, who was five years old at the time he testified, stated that the scar on his forehead was the result of the stab wound inflicted by Doser. However, on cross-examination, he admitted that he did not know who stabbed him.[7]

Michelle Indon identified the appellant as the man who stabbed her mother, her brother Marvin and her sister Melissa. She testified that the appellant stabbed her in the back once. Thereafter, she hid under the papag. She related that she did not go to the hospital anymore, because a certain Nanang Ella had already seen to her stab wound.[8]

Dr. Jacinto Caluag stated under oath that he treated Raquel Indon for multiple stab wounds. He testified that he also assisted in the operation on Raquel to repair her liver and gallbladder, which were damaged. He also disclosed that Raquel would have gone into shock and died had she not been given medical attention.[9]

Police officers Asher Villegas and Rogelio Santos testified that they proceeded to the scene of the crime after the neighbors of the complainant reported the incident. When they arrived at the crime scene, appellant was already tied up. They took pictures of the victims, while the kitchen knife and the screwdriver allegedly used by the appellant were turned over to Police Officer Villegas. The complainants and the appellant were then brought to the hospital. They recorded the incident in the Police Blotter and prepared the statements of the witnesses. After the accused was treated for injuries, he was brought to the police station and detained. When asked why he committed the crime, accused denied knowledge of what happened.[10]

In an Order dated 10 July 2003, the trial court ordered that Ronaldo Galvez's testimony during his direct examination be stricken off the records due to his absences on the days he was scheduled to be cross-examined.[11]

The documentary evidence offered by the prosecution included the following: (1) the sketches of Raquel Indon's house, to prove that the light from the kitchen allowed her to identify the appellant, marked as Exhibits "A to A-6;" (2) the Death Certificate of Marvin Indon marked as Exhibit "D;" (3) the Medico-Legal Certificates of Raquel Indon, Marvin Indon, Jeffer Indon, and Ronaldo Galvez marked as Exhibits "E," "F," "H," and "L," respectively; (4) the Birth Certificates of Marvin Indon and Michelle Indon marked as Exhibits "B" and "N;" (5)

pictures of Melissa Indon's lifeless body marked as Exhibits "G" and "O;" (6) Sworn Statements of Ronaldo Galvez and Michelle Indon marked as Exhibits "K" and "M;" (7) Statement of Account of the Medical Expenses incurred by Raquel Indon, issued by Sagrada Familia Hospital in the amount of P38,500.00, marked as Exhibit "I;" and (8) Statement of Account of the Medical Expenses incurred by Raquel Indon, issued by the Bulacan Provincial Hospital, in the amount of P7,843.00, marked as Exhibit "J." [12]

In his defense, appellant testified that prior to the incident, he was in good terms with the Indon family and that he had no record of mental illness. However on 20 March 2000, he went to East Avenue Medical Center for a medical check-up, and he was advised to have an operation. He suffered from sleeplessness, lack of appetite, and nervousness. Occasionally, a voice would tell him to kill. He averred that when he regained his memory, one week had already passed since the incidents, and he was already detained. He only came to know of the incidents from his sister and his children who visited him. On cross-examination he admitted that when he regained his memory, he did not even ask the police officers why he was incarcerated. [13]

Dr. Reginald Afroilan, a witness for the defense, also testified that appellant was first brought to the National Center for Mental Health (Center) in August 2004 for a psychiatric evaluation, psychological examination and final testing to determine if he could stand trial. Dr. Afroilan stated that based on his evaluation, appellant suffered from Schizophrenia, a mental disorder characterized by the presence of delusions and or hallucinations, disorganized speech and behavior, poor impulse control and low frustration tolerance. He could not find out when the appellant started to suffer this illness, but the symptoms of Schizophrenia which were manifested by the patient indicated that he suffered from the illness six months before the Center examined the appellant. On cross-examination, he clarified that the evaluation finding that appellant suffered from Schizophrenia covered the period when the appellant submitted himself to examination. [14]

In a Decision dated 13 November 2006, the RTC decreed that the appellant was guilty beyond reasonable doubt of homicide in Criminal Cases No. 1496-M-00 and No. 1497-M-00, frustrated homicide in Criminal Cases No. 1499-M-00 and No. 1500-M-00, and attempted homicide in Criminal Cases No. 1498-M-00 and No. 1501-M-00. The RTC gave credence to the principal eyewitness, Raquel Indon, whose testimony was corroborated by Michelle Indon, regarding appellant's attack on 29 March 2000. The trial court found the appellant's defense of insanity unmeritorious, since what was presented was proof of appellant's mental disorder that existed five years after the incident, but not at the time the crimes were committed. The RTC also considered it crucial that appellant had the presence of mind to respond to Raquel Indon's pleas that her daughters be spared by saying, "Ngayon pa, nagawa ko na." It also noted that based on the psychiatrist's findings, the appellant was competent to stand trial. However, the trial court declared that there were no qualifying circumstances to support the charges of Murder, Frustrated Murder or Attempted Murder. [15] The dispositive part of the Decision dated 13 November 2006 reads:

WHEREFORE, premises considered, the Court finds the accused guilty beyond reasonable doubt of the crime of:

- a) In Crim. Case No. 1496-M-00, Homicide, for the death of Marvin G. Indon, minor and hereby sentences him to suffer the indeterminate penalty of seven (7) years of prision mayor as minimum to thirteen (13) years of reclusion temporal as maximum; and to indemnify the heirs of the deceased in the amount of P75,000.00.
- b) In Crim. Case No. 1497-M-00, Homicide, for the death of Melissa Indon, and hereby sentences him to suffer the indeterminate penalty of seven (7) years of prision mayor as minimum to thirteen (13) years of reclusion temporal as maximum; and to indemnify the heirs of the deceased in the amount of P75,000.00.
- c) In Crim. Case No. 1498-M-00, Attempted Homicide, and hereby sentences him to suffer the indeterminate penalty of six (6) months of aresto mayor as minimum to five (5) years of prision correccional as maximum; and to indemnify the private complainant in the amount of P10,000.00.

d) In Crim. Case No. 1499-M-00, Frustrated Homicide, and hereby sentences him to suffer the indeterminate penalty of five (5) years of prision correccional as minimum to eight (8) years of prision correccional as maximum; and to indemnify the private complainant Ronaldo Galvez in the amount of P30,000.00.

e) In Crim. Case No. 1500-M-00, Frustrated Homicide, and hereby sentences him to suffer the indeterminate penalty of five (5) years of prision correccional as minimum to eight (8) years of prision correccional as maximum; and to indemnify the private complainant Raquel Gatpandan Indon in the amount of P30,000.00. Likewise, accused is further directed to pay to the private complainant herein the sum of P90,000.00 to cover hospitalization and medical expenses; P42,000.00 to cover the casket and burial expenses for Melissa and Marvin, and P30,000.00 for food expenses, all by way of actual damages.

f) In Crim. Case No. 1501-M-00, Attempted Homicide, and hereby sentences him to suffer the indeterminate penalty of six (6) months of aresto mayor as minimum to five (5) years of prision correccional as maximum, and to indemnify the private complainant in the amount of P10,000.00.[16]

The appellant filed an appeal before the Court of Appeals docketed as CA-G.R. CR No. 30511, wherein he faulted the RTC for not taking note of the inconsistencies in Raquel Indon's testimony and for not giving due weight to his defense of insanity.[17] In a Decision dated 30 April 2008, the appellate court adjudged that Raquel Indon's testimony was credible, and that the inconsistency pointed out by appellant—whether or not Raquel was standing up or lying down when appellant stabbed her legs—referred to minor details. Moreover, insanity exempts the accused only when the finding of mental disorder refers to appellant's state of mind immediately before or at the very moment of the commission of the crime. This was not the case when appellant was first medically examined more than four years after the commission of the crimes. Appellant's response to Raquel Indon's pleas also proved that his faculties of reasoning were unimpaired at the time of the attack against Raquel's children.[18]

The Court of Appeals nevertheless modified the RTC's Decision dated 13 November 2006 and declared that the qualifying circumstance of treachery, which was alleged in the six Informations along with evident pre-meditation, was adequately proven by the prosecution. Raquel Indon, Michelle Indon, Melissa Indon, Marvin Indon, and Jeffer Indon were merely sleeping inside their bedroom and had not even given the slightest provocation when appellant attacked them without warning. Furthermore, the killing of Marvin Indon and Melissa Indon, both minors who could not be expected to defend themselves against an adult, was considered treacherous, and would sustain a conviction for murder. The penalties imposed were adjusted accordingly. Appellant's conviction for frustrated homicide in Criminal Case No. 1499-M-2000 was affirmed, since prosecution failed to prove appellant's treachery or evident premeditation in his assault against Rolando Galvez, who came to the scene of the crime to subdue the appellant.[19]

The Court of Appeals also modified the trial court's award of damages. It reduced the civil indemnity of P75,000.00 awarded by the trial court, occasioned by the deaths of Marvin Indon and Melissa Indon, to P50,000.00 and awarded the heirs of each murder victim moral damages in the amount of P50,000.00. The awards for funeral expenses of P42,000.00 and food expenses of P30,000.00 were deleted by the appellate court for lack of sufficient evidence to support the same. The appellate court awarded Raquel Indon civil indemnity of P30,000.00 and moral damages of P25,000.00, but reduced the actual damages of P90,000.00 awarded by the RTC to P46,343.00, in accordance with the Statement of Accounts from Sagrada Familia Hospital and Bulacan Provincial Hospital. It affirmed the trial court's award for moral damages of P10,000.00 in favor of Michelle Indon and P10,000.00 in favor of Jeffer Indon. Moral damages of P25,000.00 were also awarded by the appellate court in favor of Ronaldo Galvez.[20]

In the Decision dated 30 April 2008, the fallo reads:

WHEREFORE, the appealed Decision dated November 13, 2006 of the trial court is modified as follows:

- 1) In Criminal Case No. 1496-M-2000, accused-appellant Jesus Domingo is convicted of the crime of murder and sentenced to suffer the penalty of reclusion perpetua and to indemnify the heirs of the deceased Marvin Indon the amounts of P50,000.00 as civil indemnity and P50,000.00 as moral damages. The trial court's award of funeral and food expenses of P42,000.00 and P30,000.00 respectively, are hereby deleted.
- 2) In Criminal Case No. 1497-M-2000, accused-appellant Jesus Domingo is convicted of the crime of murder and is sentenced to suffer the penalty of reclusion perpetua and to indemnify the heirs of the deceased Melissa Indon the amounts of P50,000.00 as civil indemnity and P50,000.00 as moral damages.
- 3) In Criminal Case No. 1498-M-2000, accused-appellant Jose Domingo is convicted of the crime of attempted murder and is sentenced to an indeterminate penalty of six (6) years of prision correccional maximum, as the minimum penalty, to ten (10) years of prision mayor medium, as the maximum penalty and to pay Michelle Indon P10,000.00 as moral damages.
- 4) In Criminal Case No. 1499-M-2000, accused-appellant Jose Domingo is convicted of the crime of frustrated homicide and is sentenced to an indeterminate penalty of five (5) years of prision correccional as minimum to eight (8) years of prision mayor as maximum and to pay Ronaldo Galvez P25,000.00 as moral damages.
- 5) In Criminal Case No. 1500-M-2000, accused-appellant Jose Domingo is convicted of the crime of frustrated murder and is sentenced to an indeterminate penalty of twelve (12) years of prision mayor maximum, as the minimum penalty, to seventeen (17) years and four (4) months of reclusion temporal medium, as the maximum penalty and to pay Raquel Indon the amount of P30,000.00 as civil indemnity, P46, 343.00 as actual damages and P25,000.00 as moral damages.
- 6) In Criminal Case No. 1501-M-2000, accused-appellant Jose Domingo is convicted of the crime of attempted murder and is sentenced to an indeterminate penalty of six (6) years of prision correccional maximum, as the minimum penalty, to ten (10) years of prision mayor medium, as the maximum penalty and to pay Jefferson (sic) Indon P10,000.00 as moral damages.[21]

Hence, the present petition where the appellant reiterates the assignment of errors that were raised before the Court of Appeals, to wit:

I

THE TRIAL COURT GRAVELY ERRED IN FINDING THAT THE GUILT OF THE ACCUSED-APPELLANT FOR THE CRIMES CHARGED HAS BEEN PROVEN BEYOND REASONABLE DOUBT; and

II

ASSUMING THAT THE ACCUSED-APPELLANT COMMITTED THE CRIMES CHARGED, THE TRIAL COURT GRAVELY ERRED IN NOT EXEMPTING HIM FROM CRIMINAL LIABILITY IN VIEW OF HIS INSANITY AT THE TIME OF THE COMMISSION OF THE SAME.[22]

This Court affirms the judgment of conviction.

The testimony of the principal witness of the prosecution, Raquel Indon, is assailed by appellant for not being credible due to an inconsistency in her testimony and a lack of conformity with the experience of ordinary men.

Appellant refers to Raquel's testimony during cross-examination wherein she narrated that after the appellant entered her bedroom, she screamed. Her sister-in-law, who lived next door, responded by asking Raquel who her assailant was, and the latter identified the appellant. Appellant claims that the conversation between Raquel and her sister-in-law was contrary to the ordinary course of things, and that the initial reaction of people in such a situation would be to ask for help from other people in order to save those who are in danger. Secondly, Raquel

also testified during cross-examination that the appellant stabbed the front of her legs when she fell down. It is also argued that the appellant could not have stabbed the front of her legs, since she would be lying on front of her legs when she fell down.

This Court finds no merit in these arguments. To begin with, there was nothing out of the ordinary as regards Raquel's testimony on these two matters. First, there was nothing unusual about the sister-in-law's query as to who was attacking Raquel. Considering that the exchange merely consisted of this question and the reply to it, it would not even be accurate to refer to it as a "conversation." Secondly, it was not impossible for the appellant to stab the front of Raquel's legs, had her legs been positioned sideways when she fell. But more importantly, these are peripheral details that do not affect the substantial aspects of the incident. Raquel clearly and positively testified that she was carrying her son Marvin when she rushed to the gate and fell down, and the appellant stabbed her legs and thereafter proceeded to stab Marvin who later died from the stab wounds. Her testimony was supported by the Medico-Legal Reports marked as Exhibits "E" and "F." Any inconsistencies in such peripheral details would not exculpate the appellant.

Appellant also asserts that he was insane or completely deprived of intelligence during the commission of the alleged crimes, and therefore should be exempted from criminal liability in accordance with Article 12, Chapter 2 of the Revised Penal Code.[23] However, this claim is not supported by evidence.

Appellant offers his uncorroborated testimony as the only proof that he was insane at the time he committed the crime. He testified that nine days before he committed the crime, he suffered from lack of appetite, sleeplessness, and anxiety. In addition, he allegedly heard voices ordering him to kill bad people. He claims that he does not remember anything that happened on 29 March 2000, when the crimes were committed, and that he was already detained when he became conscious of his surroundings.

The law presumes every man to be of sound mind. Otherwise stated, the law presumes that all acts are voluntary, and that it is improper to presume that acts are done unconsciously. Thus, a person accused of a crime who pleads the exempting circumstance of insanity has the burden of proving beyond reasonable doubt that he or she was insane immediately before or at the moment the crime was committed.[24]

Insanity exists when there is a complete deprivation of intelligence while committing the act; i.e., when the accused is deprived of reason, he acts without the least discernment because there is a complete absence of power to discern, or there is total deprivation of freedom of the will. Mere abnormality of the mental faculties is not enough, especially if the offender has not lost consciousness of his acts. Insanity is evinced by a deranged and perverted condition of the mental faculties and is manifested in language and conduct. An insane person has no full and clear understanding of the nature and consequences of his or her acts.[25]

Even assuming that appellant's testimony is credible, his sleeplessness, lack of appetite, nervousness and his hearing imaginary voices, while suggestive of an abnormal mental condition, cannot be equated with a total deprivation of will or an absence of the power to discern. Mere abnormality of mental faculties will not exclude imputability. The popular conception of the word "crazy" is used to describe a person or an act unnatural or out of ordinary. Testimony that a person acted in a crazy or deranged manner days before the commission of the crime does not conclusively prove that he is legally insane and will not grant him or her absolution.[26]

Raquel Indon's narration of the events presents evidence that is more revealing of appellant's mental state at the time the crime was committed. Appellant's reply to her pleas that her daughters' lives be spared, "Ngayon pa, nagawa ko na," was a positive sign that he was aware of what he was doing, and that his reasoning faculties were unimpaired.

The trial court found the testimony of Raquel Indon more credible than that of the accused, and its findings were affirmed by the Court of Appeals. It is settled that when the trial court's findings have been affirmed by the appellate court, said findings are generally conclusive and binding upon this Court. This Court does not generally disturb the findings of fact of the trial court because it is in a better position to examine real evidence, as well as to observe the demeanor of witnesses while testifying on the stand. Unless there is a clear showing that it overlooked certain facts and circumstances that might alter the result of the case, the findings of fact made by the trial court will be respected and even accorded finality by this Court.[27]

It is also remarkable that appellant's testimony is not supported by his family's or intimate friends' accounts of his purported insanity. Appellant testified that he had been suffering from symptoms of insanity nine days before the incident. Insanity may be shown by the surrounding circumstances fairly throwing light on the subject, such as evidence of the allegedly deranged person's general conduct and appearance, his conduct consistent with his previous character and habits, his irrational acts and beliefs, as well as his improvident bargains.[28] It is difficult to believe that appellant's behavior, conduct and appearance, which would denote mental disturbance, escaped the notice of his family and friends.

Appellant draws attention to the results of the medical examination conducted by Dr. Regienald Afroilan in 2004, showing that he was suffering from Schizophrenia. It should be noted however that the examination was taken four years after the crimes were committed, and that Dr. Afroilan admitted that his findings did not include the mental state of petitioner four years before. The alleged insanity of an accused should relate to the period immediately before or at the very moment the felony is committed, not at any time thereafter. Medical findings of mental disorder, referring to a period after the time the crime was committed, will not exempt him from criminal liability.[29]

Appellant emphasizes the fact that he was a friend of the Indon family and would not have committed such atrocities against them, unless he was totally deprived of reason. In *People v. Madarang*,[30] this Court ruled that the fact that the accused had no quarrel with his victim prior to the killing does not prove the unstable mental condition of the accused. Jurisprudence is replete with cases in which lives have been terminated for the flimsiest reasons.

This Court will now discuss the imposition of penalties and modify those imposed by the Court of Appeals. Appellant is guilty of Murder in Criminal Cases No. 1496-M-2000 and No. 1497-M-2000. The penalty for murder is reclusion perpetua to death. There being neither mitigating nor aggravating circumstances, the penalty for murder should be imposed in its medium period, or reclusion perpetua.[31] Thus, for the murder of Marvin Indon and Melissa Indon, the penalty imposed on appellant is two sentences of reclusion perpetua.

When death occurs due to a crime, the following damages may be awarded: (1) civil indemnity ex delicto for the death of the victim; (2) actual or compensatory damages; (3) moral damages; (4) exemplary damages; and (5) temperate damages.[32]

Civil indemnity is mandatory and granted to the heirs of the victim without need of proof other than the commission of the crime.[33] Under prevailing jurisprudence, the award of P50,000.00 to the heirs of the victim as civil indemnity is in order.[34] Thus, P50,000.00 is awarded to the heirs of Marvin Indon and P50,000.00 to the heirs of Melissa Indon.

The heirs of Marvin Indon and Melissa Indon are not entitled to actual damages, because said damages were not adequately proved. The party seeking actual damages must produce competent proof or the best evidence obtainable, such as receipts, to justify an award therefor.[35] The funeral expenses, to which Raquel Indon referred in her testimony, were not supported by receipts. Nevertheless, the award of P25,000.00 in temperate

damages for homicide or murder cases is proper when no evidence of burial or funeral expenses is presented in the trial court.[36] Under Article 2224 of the Civil Code, temperate damages may be recovered, as it cannot be denied that the heirs of the victim suffered pecuniary loss although the exact amount was not proved.[37] Thus, the heirs of Marvin Indon and Melissa Indon are entitled to temperate damages of P25,000.00 for each death.

In cases of murder and homicide, the award of moral damages is mandatory, without need of allegation and proof other than the death of the victim.[38] The award of P50,000.00 as moral damages is in order for the death for Marvin Indon, and likewise for that of Melissa Indon.

Exemplary damages of P25,000.00 should also be awarded, since the qualifying circumstance of treachery was firmly established.[39] Marvin Indon and Melissa Indon were both minors when they were killed by the appellant. The killing by an adult of a minor child is treacherous.[40] Moreover, the victims in this case were asleep when appellant barged into their house and attacked their family. The attack was clearly unprovoked, and they were defenseless against him.

In Criminal Cases No. 1498-M-2000 and No. 1501-M-2000, appellant is guilty of the Attempted Murder of Michelle Indon and Jeffer Indon. The penalty for Attempted Murder is prision correccional maximum to prision mayor medium. Thus, the penalty imposed on the appellant is two sentences of six years of prision correccional, as minimum, to ten years of prision mayor medium, as maximum, for the attempted murder of Michelle Indon and Jeffer Indon. In addition to the moral damages of P10,000.00 for each victim, which the Court of Appeals imposed, appellant is also ordered to pay civil indemnity of P20,000.00[41] and exemplary damages of P25,000.00.[42]

In Criminal Case No. 1499-M-2000, appellant is convicted of the crime of frustrated homicide of Ronaldo Galvez. The penalty for frustrated homicide, there being no other mitigating or aggravating circumstances attending the same, is five years of prision correccional as minimum to eight years and one day of prision mayor as maximum. Moral damages in the amount of P25,000.00, awarded by the Court of Appeals, are affirmed.

Appellant is guilty of Frustrated Murder in Criminal Case No. 1500-M-2000. The penalty for Frustrated Murder is reclusion temporal, which must be imposed in its medium period, considering that there were neither aggravating nor mitigating circumstances that were proven in this case. Applying the Indeterminate Sentence Law, appellant should be sentenced to suffer the penalty of twelve years of prision mayor, as minimum, to seventeen years and four months of reclusion temporal medium, as the maximum penalty. This Court affirms the award by the Court of Appeals of (1) Civil Indemnity in the amount of P30,000.00;[43] (2) actual damages of P46,343.00 for medical expenses, which are supported by receipts marked as Exhibits "I" and "J"; and (3) moral damages of P25,000.00. Appellant is also ordered to pay exemplary damages of P25,000.00 based on the finding that the assault against Raquel Indon was attended by treachery.[44] The essence of treachery is that the attack is deliberate and without warning, done in a swift and unexpected manner of execution, affording the hapless and unsuspecting victim no chance to resist or escape.[45] At the time Raquel was attacked, she was in her home, unarmed and sleeping with her children. She was undoubtedly unprepared and defenseless to resist appellant's attack on her and her young children.

All the sums of money awarded to the victims and their heirs will accrue a 6% interest from the time of this Decision until fully paid.

WHEREFORE, the instant appeal is DENIED. The Decision of the Court of Appeals dated 30 April 2008 in CA-G.R. CR No. 30511 is MODIFIED in accordance with the hereinabove discussion on penalties and award of damages, to wit:

- In Criminal Case No. 1496-M-2000, this Court additionally awards P25,000.00 as temperate damages and P25,000.00 as exemplary damages to the heirs of Marvin Indon.
- In Criminal Case No. 1497-M-2000, this Court additionally awards P25,000.00 as temperate damages and P25,000.00 as exemplary damages to the heirs of Melissa Indon.
- In Criminal Case No. 1498-M-2000, the Court additionally awards civil indemnity of P20,000.00 and exemplary damages of P25,000.00 to Michelle Indon.
- In Criminal Case No. 1499-M-2000, the appellant is sentenced to serve an indeterminate penalty of five years of prision correccional as minimum to eight years and one day of prision mayor as maximum.
- In Criminal Case No. 1500-M-2000, this Court additionally awards exemplary damages of P25,000.00 to Raquel Indon.
- In Criminal Case No. 1501-M-2000, this Court additionally awards civil indemnity of P20,000.00 and exemplary damages of P25,000.00 to Jeffer Indon.

No costs.

SO ORDERED.

Quisumbing,[*] Carpio,**] Carpio-Morales,[***] and Nachura, JJ., concur.

* Associate Justice Leonardo A. Quisumbing was designated to sit as additional member replacing Associate Justice Antonio Eduardo B. Nachura per Raffle dated 23 February 2009.

** Per Special Order No. 568 dated 12 February 2009, signed by Chief Justice Reynato S. Puno, designating Associate Justice Antonio T. Carpio to replace Associate Justice Ma. Alicia Austria-Martinez, who is on official leave under the Court's Wellness Program.

*** Per Special Order No. 578 dated 12 February 2009, signed by Chief Justice Reynato S. Puno, designating Associate Justice Conchita Carpio Morales to replace Associate Justice Consuelo Ynares-Santiago who is on official leave under the Court's Wellness Program.

[1] Penned by Associate Justice Fernanda Lampas Peralta with Associate Justices Edgardo P. Cruz and Apolinario D. Bruselas, Jr., concurring; rollo, pp. 2-25.

[2] Penned by Presiding Judge Andres B. Soriano; CA rollo, pp. 11-23.

[3] CA rollo, pp. 11-13.

[4] Id. at 13.

[5] TSN, 1 March 2001, pp 3-14; and TSN, 5 April 2001, pp. 2-12.

[6] TSN, 7 June 2001, pp. 3-5.

[7] TSN, 20 June 2002, pp. 2-4.

[8] TSN, 5 September 2002, pp. 3-13.

[9] TSN, 25 January 2001, pp. 3-9.

[10] TSN, 18 September 2003, pp. 2-10 and TSN, 20 November 2003, pp. 4-12.

[11] Records, p. 97.

[12] Id. at 129-147.

[13] TSN, 22 July 2004, pp. 2-14; TSN, 6 June 2005, pp. 2-5; TSN, 21 September 2005, pp. 2-9; 17 October 2005, pp. 3-12.

[14] TSN, 3 April 2006, pp. 3-11.

[15] CA rollo, pp.13-14.

[16] Id. at 22-23.

[17] Id. at 30-51.

[18] Rollo, pp. 2-18.

[19] Id. at 19-22.

[20] Id.

[21] Id. at 23-24.

[22] CA rollo, p. 30.

[23] Circumstances which exempt from criminal liability.—The following are exempt from criminal liability:

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

[24] *People v. Robiños*, 432 Phil. 321, 329-330 (2002); *People v. Villa, Jr.*, 387 Phil. 155, 164-165 (2000); *People v. Bañez*, 361 Phil. 198, 212-213 (1999); *People v. Aldemita*, 229 Phil. 448, 455-456 (1986).

[25] *People v. Florendo*, 459 Phil. 470, 481 (2003); *People v. Villa, Jr.*, id. at 166.

[26] *People v. Florendo*, id.

[27] *People v. Villa, Jr.*, supra note 24 at 166.

[28] *People v. Villa, Jr.*, id. at 162; *People v. Florendo*, supra note 25 at 478; *People v. Madarang*, 387 Phil. 846, 859 (2000).

[29] *People v. Florendo*, id. at 480; *People v. Robiños*, supra note 24 at 333-334; *People v. Madarang*, id. at 861-862.

[30] Id.

[31] Revised Penal Code, Articles 64[1] and 248.

[32] *People v. Beltran, Jr.*, G.R. No. 168051, 27 September 2006, 503 SCRA 715, 740.

[33] *People v. Tubongbanua*, G.R. No. 171271, 31 August 2006, 500 SCRA 727, 742.

[34] *People v. Pascual*, G.R. No. 173309, 23 January 2007, 512 SCRA 385, 400.

[35] *People v. Tubongbanua*, supra note 33 at 742; *People v. Jamiro*, 344 Phil. 700, 722 (1997).

[36] *People v. Dacillo*, G.R. No. 149368, 14 April 2004, 427 SCRA 528, 538.

[37] *People v. Surongon*, G.R. No. 173478, 12 July 2007, 527 SCRA 577, 588.

- [38] People v. Bajar, 460 Phil. 683, 700 (2003).
- [39] People v. Beltran, Jr., supra note 32 at 740.
- [40] People v. Cruz, 429 Phil. 511, 520 (2002).
- [41] People v. Castillo, 426 Phil. 752, 769 (2002).
- [42] People v. Beltran, Jr., supra note 32.
- [43] People v. Dela Cruz, G.R. No. 171272, 7 June 2007, 523 SCRA 433, 455.
- [44] People v. Beltran, Jr., supra note 32.
- [45] People v. Buban, G.R. No. 170471, 11 May 2007, 523 SCRA 118, 134.

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