

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. HONORATO AMBAL, ACCUSED-APPELLANT.

G.R. No. 52688. October 17, 1980

Ponente: AQUINO, J.

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AQUINO, J.:

Honorato Ambal appealed from the decision of the Court of First Instance of Camiguin convicting him of parricide, sentencing him to reclusion perpetua and ordering him to pay an indemnity of twelve thousand pesos to the heirs of his deceased wife, Felicula Vicente-Ambal (Criminal Case No. 155-C).

In the morning of January 20, 1977, the barangay captain found under some flowering plants near the house of Honorato Ambal located in Barrio Balbagon, Mambajao, Camiguin, Felicula Vicente-Ambal, 48, mortally wounded. She asked for drinking water and medical assistance.

She sustained seven incised wounds in different parts of her body. She was placed in an improvised hammock and brought to the hospital where she died forty minutes after arrival thereat (Exh. B and G).

On that same morning, Honorato Ambal, husband of Felicula, after entrusting his child to a neighbor, went to the house of the barangay captain and informed the latter's spouse that he (Honorato) had killed his wife Feling. After making that oral confession, Ambal took a pedicab, went to the municipal hall and surrendered to a policeman, also confessing to the latter that he had liquidated his wife.

The policeman confiscated Ambal's long bolo the tip of which was broken (Exh. F). Ambal was bespattered with blood. His shirt was torn. He appeared to be weak.

The killing was the climax of a fifteen-year-old marriage featured by quarrels and bickerings which were exacerbated by the fact that the wife sometimes did not stay in the conjugal abode and chose to spend the night in the poblacion of Mambajao. The couple had eight children.

The immediate provocation for the assault was a quarrel induced by Felicula's failure to buy medicine for Ambal who was afflicted with influenza. The two engaged in a heated altercation. Felicula told her husband that it would be better if he were dead ("Mas maayo ka pang mamatay"). That remark infuriated Ambal and impelled him to attack his wife (Exh. 1).

On January 27, 1977, a police lieutenant charged Ambal with parricide in the municipal court. After a preliminary examination, the case was elevated to the Court of First Instance where on March 4, 1977 the fiscal filed against Ambal an information for parricide. At the arraignment, Ambal, assisted by counsel de oficio, pleaded not guilty.

After the prosecution had presented its evidence, accused's counsel de oficio manifested that the defense of Ambal was insanity.

The trial court in its order of September 15, 1977 directed the municipal health officer, Doctor Maximino R. Balbas, Jr., a 1960 medical graduate who had undergone a six-month training in psychiatry in the National Mental

Hospital, to examine Ambal and to submit within one month a report on the latter's mental condition (p.65, Record).

Doctor Balbas in his report dated November 3, 1977 found that Ambal was a "passive-aggressive, emotionally unstable, explosive or inadequate personality" (Exh. 1).

Doctor Balbas testified that during the period from February 1 (twelve days after the killing) to November 3, 1977, when he placed Ambal under observation, the latter did not show any mental defect and was normal (44-46 tsn November 3, 1977).

Asked directly whether Ambal suffered from a mental disease or defect, Doctor Balbas replied: "Before the commission of the crime, he was normal. After the commission of the crime, normal, but during the commission of the crime, that is what we call 'psychosis' due to short frustration tolerance" (45 tsn).

Doctor Cresogono Llacuna, a 1937 medical graduate who undertook a two-month observation of mental cases and who in the course of his long practice had treated around one hundred cases of mental disorders, attended to Ambal in 1975. He found that Ambal suffered from a minor psycho-neurosis, a disturbance of the functional nervous system which is not insanity (65 tsn November 15, 1977). The doctor concluded that Ambal was not insane. Ambal was normal but nervous (68 tsn). He had no mental disorder.

Ambal, 49, who reached Grade four, testified on November 16, 1977 or about ten months after the incident. He said that at the time of the killing he did not know what he was doing because he was allegedly not in full possession of his normal mental faculties. He pretended not to know that he was charged with the capital offense of having killed his wife.

But he admitted that he knew that his wife was dead because he was informed of her death. During his confinement in jail he mopped the floor and cooked food for his fellow prisoners. Sometimes, he worked in the town plaza or was sent unescorted to buy food in the market.

He said that his wife quarrelled with him. She was irritable. He admitted that he rode on a tricycle when he surrendered on the day of the killing. He remembered that a week before the incident he got wet while plowing. He fell asleep without changing his clothes. At midnight, when he woke up, he had chills. That was the commencement of his last illness.

The trial court concluded from Ambal's behavior immediately after the incident that he was not insane and that he acted like a normal human being. We agree with the trial court's conclusion.

"Courts should be careful to distinguish insanity in law from passion or eccentricity, mental weakness or mere depression resulting from physical ailment. The State should guard against sane murderers escaping punishment through a general plea of insanity." (People vs. Bonoan, 64 Phil. 87, 94.)

Article 12 of the Revised Penal Code exempts from criminal liability an imbecile or an insane person unless the latter has acted during a lucid interval.[*]

According to the dictionary, an imbecile is a person marked by mental deficiency while an insane person is one who has an unsound mind or suffers from a mental disorder. "Imbecil vale tanto como escaso de razon y es loco el que ha perdido el juicio." An insane person may have lucid intervals but "el imbecil no puede tener, no tiene estos intervalos de razon, pues en el no hay una alteracion, sino una carencia del juicio mismo" (1 Viada,Codigo Penal, 4th Ed., p. 92).

Insanity has been defined as "a manifestation in language or conduct of disease or defect of the brain, or a more or less permanently diseased or disordered condition of the mentality, functional or organic, and characterized by

perversion, inhibition, or disordered function of the sensory or of the intellectual faculties, or by impaired or disordered volition" (Sec.1039, Revised Administrative Code).

"The law presumes that every person is of sound mind, in the absence of proof to the contrary" (Art. 800, Civil Code re testamentary succession; U. S. vs. Martinez, 34 Phil. 305, 308). The law always presumes all acts to be voluntary. It is improper to presume that acts were executed unconsciously (People vs. Cruz, 109 Phil. 288, 292; People vs. Tagasa, 68 Phil. 147, 153; U. S. vs. Guevara, 27 Phil. 547; People vs. Fausto, 113 Phil. 841).

"When there is no proof that the defendant was not of sound mind at the time he performed the criminal act charged to him, or that he performed it at the time of madness or of mental derangement, or that he was generally considered to be insane - his habitual condition being, on the contrary, healthy - the legal presumption is that he acted in his ordinary state of mind and the burden is upon the defendant to overcome this presumption" (U. S. vs. Zamora, 32 Phil. 218).

"Without positive proof that the defendant had lost his reason or was demented, a few moments prior to or during the perpetration of the crime, it will be presumed that he was in a normal condition" (U. S. vs. Hontiveros Carmona, 18 Phil. 62).

A defendant in a criminal case, who interposes the defense of mental incapacity, has the burden of establishing that fact, meaning that he was insane at the very moment when the crime was committed (People vs. Bascos, 44 Phil. 204).

What should be the criterion for insanity or imbecility? We have adopted the rule, based on Spanish jurisprudence, that in order that a person could be regarded as an imbecile within the meaning of article 12 of the Revised Penal Code, he must be deprived completely of reason or discernment and freedom of the will at the time of committing the crime (People vs. Formigones, 87 Phil. 658, 660).

In order that insanity may be taken as an exempting circumstance, there must be complete deprivation of intelligence in the commission of the act or that the accused acted without the least discernment. Mere abnormality of his mental faculties does not exclude imputability. (People vs. Cruz, 109 Phil. 288, 292; People vs. Renegado, L-27031, May 31, 1974, 57 SCRA 275, 286.)

A man who could feel the pangs of jealousy and who tried to vindicate his honor by taking violent measures to the extent of killing his wife (whom he suspected of infidelity) can hardly be regarded as an imbecile (Formigones case).

Where the accused had a passionate nature, with a tendency to having violent fits when angry, his acts of breaking glasses and smashing dishes are indications of an explosive temper and not insanity, especially considering that he did not turn violent when a policeman intercepted him after he had killed his wife. (Cruz case.)

"There is a vast difference between an insane person and one who has worked himself up into such a frenzy of anger that he fails to use reason or good judgment in what he does. Persons who get into a quarrel or fight seldom, if ever, act naturally during the fight. An extremely angry man, often, if not always, acts like a madman. The fact that a person acts crazy is not conclusive that he is insane. The popular meaning of the word 'crazy' is not synonymous with the legal terms 'insane', 'non compos mentis', 'unsound mind', 'idiot', or 'lunatic'." (U. S. vs. Vaquilar, 27 Phil. 88, 91.)

"The heat of passion and feeling produced by motives of anger, hatred, or revenge is not insanity." (People vs. Foy, 138 N. Y. 664, cited in Vaquilar case, on p. 92.)

"One who, in possession of a sound mind, commits a criminal act under the impulse of passion or revenge, which may temporarily dethrone reason and for the moment control the will, cannot nevertheless be shielded from the consequences of the act by the plea of insanity. Insanity will only excuse the commission of a

criminal act, when it is made affirmatively to appear that the person committing it was insane, and that the offense was the direct consequence of his insanity." (State vs. Stickley, 41 Iowa 232, cited in Vaquilar case, on p. 94.)

The defense of insanity was rejected in a case where the accused killed by strangulation a sixteen-year-old girl, who got leaves from his banana plants, and sliced the flesh of her legs, thighs and shoulder, cooked the flesh and ate it like a cannibal (People vs. Balondo, L-27401, October 31, 1969, 30 SCRA 155).

Being weak-minded does not necessarily mean that the accused is insane (People vs. Martin, 120 Phil. 14, 20-21).

Justice Cardozo in his article, "What Medicine Can Do For The Law", traces briefly the origin of the rule regarding insanity as a defense. He says:

"In the early stages of our law, wayback in medieval times, insanity was never a defense for crime. The insane killer, like the man who killed in self-defense, might seek a pardon from the king, and would often get one. He had no defense at law. Gradually insanity was allowed, but only within narrow limits. This was what was become known as the wild-beast stage of the defense. Then the limits of the defense were expanded, but still slowly and narrowly. The killer was excused if the disease of the mind was such that he was incapable of appreciating the difference between right and wrong. At first this meant, not the right and wrong of particular case, but right and wrong generally or in the abstract, the difference, as it was sometimes said, between good and evil. Later, the rule was modified in favor of the prisoner so that capacity to distinguish between right and wrong generally would not charge with responsibility if there was no capacity to understand the difference in relation to the particular act, the subject of the crime.

"The rule governing the subject was crystallized in England in 1843 by the answer made by the House of Lords to questions submitted by judges in the famous case of *McNaghten*, who was tried for the murder of one Drummond, the secretary of Sir Robert Peel."

In the *M'Naghten* case, 8 Eng. Rep. 718, Clark and Finelly 200, the following rule was laid down: "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."

In the *M'Naghten* case, it appears that Daniel M'Naghten shot Edward Drummond on January 20, 1843. Drummond died as a consequence of the gunshot wound on April 25, 1843. Drummond was the private secretary of Sir Robert Peel, prime minister. M'Naghten shot Drummond, thinking he was Sir Robert. M'Naghten labored under the insane delusion that he was being hounded by his enemies and that the prime minister was one of them. Medical evidence tended to prove that M'Naghten was affected by morbid delusions which carried him beyond the power of his own control, leaving him unable to distinguish right and wrong, and that he was incapable of controlling his conduct in connection with the delusion. The jury found him not guilty by reason of insanity.

As stated in another case, the "test of the responsibility for criminal acts, when insanity is asserted, is the capacity of the accused to distinguish between right and wrong at the time and with respect to the act which is the subject of the inquiry." (Coleman's case, 1 N. Y. Cr. Rep. 1.)

Another test is the so-called "irresistible impulse" test which means that "assuming defendant's knowledge of the nature and quality of his act and his 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." The commission of the crime is excused even if the accused knew what he was doing was wrong provided that as a result of mental disease he lacked the power to resist the impulse to commit the act. (State v. White, 270 Pac. 2d. 727, 730; Leslie Kast, 31 North Dakota Law Review, pp. 170,

173.)

The latest rule on the point is that "the so-called right-wrong test, supplemented by the irresistible impulse test, does not alone supply adequate criteria for determining criminal responsibility of a person of alleged mental incapacity." "An accused is not criminally responsible if his unlawful act is the product of a mental disease or a mental defect. A mental disease relieving an accused of criminal responsibility for his unlawful act is a condition considered capable of improvement or deterioration; a mental defect having such effect on criminal responsibility is a condition not considered capable of improvement or deterioration, and either congenital, or the result of injury or of a physical or mental disease." (Syllabi, *Durham v. U. S.*, 214 F. 2d. 862, 874, 45 A.L.R. 2d. 1430 [1954].)

As stated in 22 C. J. S. 203, "the general test of criminal responsibility may be stated to be the capacity to understand the nature and consequences of the act charged and the ability to distinguish between right and wrong as to such act, and in a majority of jurisdictions this is the exclusive test."

And, as noted in 21 Am Jur 2d. 118, the rule in the M'Naghten case exists along with the "irresistible impulse" test or some other formula permitting a defendant to be exculpated on the ground that, although he knew the act was wrong, he was unable to refrain from committing it.

"Since the broadest test suggested, which is the Durham or 'product' rule, also permits inability to distinguish between right and wrong to be considered, even though it refuses to limit the inquiry to that topic, it would appear that insanity which meets this test is a defense in all Anglo-American jurisdictions and that the only controversy is over whether there are some cases in which the right-and-wrong test is not met, but in which a defense on grounds of insanity should nevertheless be recognized." (21 Am Jur 2d 118.)

In the instant case, the alleged insanity of Ambal was not substantiated by any sufficient evidence. The presumption of sanity was not overthrown. He was not completely bereft of reason or discernment and freedom of will when he mortally wounded his wife. He was not suffering from any mental disease or defect.

The fact that immediately after the incident he thought of surrendering to the law-enforcing authorities is incontestable proof that he knew that what he had done was wrong and that he was going to be punished for it.

Ambal is guilty of parricide with the mitigating circumstance of voluntary surrender to the authorities. Article 246 of the Revised Penal Code punishes parricide with reclusion perpetua to death. The lesser penalty should be imposed because of the presence of one mitigating circumstance and the absence of aggravating circumstances (Art. 63[3], Revised Penal Code).

WHEREFORE, the trial court's decision is affirmed. Costs against the appellant.

SO ORDERED.

Fernandez[*] and De Castro, JJ., concur.

Barredo (Chairman) and Abad Santos, JJ., concur in separate opinions.

Concepcion Jr., J., is abroad.

[*] Fernandez, J., was designated to sit in the Second Division.

[*] Article 8 of the Spanish Penal Code of 1870 (from which article 12 of the Revised Penal Code was taken) provides that "no delinquen, y por consiguiente estan exentos de responsabilidad criminal: (1) El imbecil y el loco, a no ser que este haya obrado en un intervalo de razon."

This was modified in the existing Spanish Penal Code which in its article 8(1) provides "que esta exento de

responsabilidad criminal el enajenado y el que se halla en situacion de trastorno mental transitorio, a no ser que este haya sido buscado de proposito para delinquir" (1 Cuello Calon, Derecho Penal, 1975 Ed., p. 495).

CONCURRING OPINION

BARREDO, (CHAIRMAN), J.:

I concur in the judgment in this case on the bases of existing local jurisprudence cited in the main opinion. The brilliant and scholarly dissertation by Justice Aquino in his main opinion deserve full study and consideration, but he prefers to livish himself to the rulings on insanity in our jurisprudence which he feels adequately provide enough basis for clear judgment.

CONCURRING OPINION

ABAD SANTOS, J.:

I concur in finding Honorato Ambal guilty of parricide and reclusion perpetua is the correct penalty. However, I wish to add these observations: The wife of the appellant appears to have been a shrew. The worst thing that can happen to a person is to have an unbearable spouse. The deceased was a neglectful wife. She stayed away from the conjugal home at times and prior to her death she failed to buy medicine for her husband who had influenza and even had the gall to tell him, "Mas maayo ka pangpatay." This, together with the mental condition of Ambal described in the main opinion, should entitle him to two additional mitigating circumstances, namely: obfuscation (Art. 13, par. 6, R. P. C.) and illness (Idem., par. 9.) To be sure, the presence of these additional mitigating circumstances will not cause the reduction of the penalty because Art. 63, par. 3 of the Revised Penal Code prevails over Art. 64, par. 5 of the same Code. (People vs. Relador, 60 Phil. 593 [1934].) But under the circumstances the appellant is deserving of executive clemency and I so recommend.

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