

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. TEOTIMO DANA @ “TIMO”, ACCUSED-APPELLANT.

G.R. No. 96832. November 19, 1992

Ponente: NOCON, J.

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NOCON, J.:

Forever to be etched in Teotimo Danao's mind and soul is the gruesome killing of his wife, upon whom he himself inflicted no less than thirty two (32) stab wounds on her lifeless body.

It was about 9 to 10 o'clock in the morning of October 26, 1988, when Victorio Sunga, brother-in-law of Ruby Guintu Danao (now deceased) arrived in his house and received the unexpected news about the death of his sister-in-law, Ruby. He proceeded to the house of accused-appellant which was located about fifty (50) meters away from his residence and saw appellant by the window holding a bolo. Victorio Sunga asked herein appellant what happened and the latter replied that he killed his wife, Ruby and by reason of which he considers himself a criminal.[1]

At about the same time, Vicente Guintu, Sr., father of the deceased was informed by one of his grandsons, that their mother was killed by their father. He immediately proceeded to the house of herein appellant and the latter said to him, "Come here, I will not call you father anymore only Enteng." [2]

Victorio Sunga pleaded to the appellant to surrender himself, which the latter did, throwing two kitchen knives made of stainless steel. Subsequently, appellant came down from the house and surrendered himself to the barangay officials.[3]

The National Center for Mental Health gave a brief background history[4] on the mental health of the accused in its report dated March 30, 1989, after the latter has killed his wife, to wit:

" x x x .

"Sometime in 1981 he went to Saudi Arabia to work in a construction firm for two years. When he came home in 1983 he became disappointed when he found out that much of the money he was sending to his family have gone up in smoke due to wife and brother-in-law's spending spree. He confronted his wife but she told him that the money was used for the payment of hospital bills when their youngest child got sick. He felt bad about this but kept it to himself.

"Behavioral changes were noted sometime in 1986 after he had a misunderstanding with his cousin when the latter threatened to harm him with a gun. He became frightened and went into hiding for two days. Upon returning home, he was observed to be sleepless, anxious, in deep thought and claimed of seeing a devil. He was brought to UST hospital on March, 1986 for psychiatric treatment. Impression then was Paranoid Disorder with Reactive Psychosis. He was given Tranquilizers and was managed as an out patient. However, he did not come back for check-up as he was noted at home to be asymptomatic.

"On October 26, 1988, he allegedly stabbed his wife to death with a knife due to his jealousy. He was

apprehended by police authorities and was put to jail charge with Parricide. While in jail, oddities in behavior recurred. Because of these, he was brought here per commitment order coming from the court for physical and mental examination."

The recommendation of the National Center for Mental Health was to treat and confine appellant, as they found him to be "still psychotic or insane" and as such incompetent to stand the rigors of a court trial.[5]

However, five months later, specifically on August 24, 1989, a petition for release was filed by the National Center for Mental Health as the accused had shown considerable improvement and is now competent to stand trial. Its findings are as follows:

"In view of the foregoing mental and physical examinations and observations, patient Teotimo Danao y Manansala, he was found suffering from a mental disorder called Schizophrenia or insanity, manifestation of which have been mentioned in the previous report rendered to the Honorable Court.

"At present, he showed considerable improvement and the Forensic Medical Staff believes the patient is now competent to stand trial.

"It is respectfully prayed for the Honorable Court to grant us the authority to transfer patient to his court of origin for proper disposition of his case.

"Likewise, it is recommended that patient should undergo regular monthly follow-up at the Out Patient Service of this hospital to prevent recurrence of his mental illness."[6]

The third of the ten (10) children of appellant, by the name of Maritess Danao testified that on the morning of October 26, 1988, she got up at 5 o'clock in the morning and was asked by her mother to buy a box of matches. When Maritess returned with the box of matches, she noticed her father holding her second youngest sister. A few hours later, she went to her grandparents house which is five (5) houses away from their residence to fetch water.[7] It was at this moment when one of her brothers, Ricky Danao, who was on the first floor of their house, noticed that his father got hold of a bolo and went straight upstairs. Though Ricky was downstairs, he witnessed his father stab his mother because the flooring of their house is made of bamboo slats of one (1) inch apart.[8]

When Maritess Danao was about to return to their house, she was met by Ricky Danao who told her that their father killed their mother. On their way out of their grandparents' house, they were met by their other brother and sister who were all bloodied.

As a result of this incident, appellant Teotimo Danao was charged with the crime of Parricide before the Regional Trial Court of Macabebe, Pampanga under an Information[9] which reads:

"That on or about the 26th day of October, 1988 in Barangay Esteban, Municipality of Macabebe, Province of Pampanga, Philippines and within the jurisdiction of this Honorable Court, the above-named accused Teotimo Danao y Manansala @ "Timo", with intent to kill and armed with two (2) kitchen knives, did then and there willfully, unlawfully and feloniously assault, attack and stab Ruby Guintu-Danao, his legitimate wife, thereby inflicting upon her mortal and fatal injuries which directly caused her death shortly thereafter.

All contrary to law."

After a trial on the merits, the lower court rendered a decision[10] finding appellant guilty beyond reasonable doubt of the crime charged, the dispositive portion of which reads:

"WHEREFORE, finding the accused guilty as above stated, the Court hereby renders judgment sentencing the accused as follows:

1. To suffer the penalty of reclusion perpetua and the accessories of the law;

2. To indemnify the heirs of the victim in the amount of P17,000.00 as compensatory and actual damages;
3. To pay likewise the heirs of the victim the amount of P30,000.00 as moral damages; and
4. To pay the amount of P10,000.00 as exemplary damages.

SO ORDERED."

Accused-appellant interposes as his defense the exempting circumstance of insanity.

We are not convinced.

The nature of insanity may be gleaned from the definition of insane persons in Section 1039 of the Revised Administrative Code which provides:

"Insanity is 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 intellective faculties, or by impaired or disordered volition."

Article 800 of the Civil Code provides:

"The law presumes that every person is of sound mind, in the absence of proof to the contrary."

The allegation of insanity must be clearly proved. The law presumes all acts to be voluntary. Not every aberration of the mind or exhibition of mental deficiency is insanity.

As held in *People vs. Puno*:^[11]

"Insanity under Article 12 of the Revised Penal Code means that the accused 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).

"Insanity exists when there is a complete deprivation of intelligence in committing the act, that is, the accused is deprived of reason, he acts without the least discernment because there is complete absence of the power to discern, or there is a total deprivation of freedom of the will. Mere abnormality of the mental faculties will not exclude imputability. (*People vs. Ambal*, G.R. No. 52688, October 17, 1980; *People vs. Renegado*, L-27031, May 31, 1974, 57 SCRA 275, 286; *People vs. Cruz*, 109 Phil. 288, 292)."

When insanity is alleged as a ground for exemption from criminal responsibility, the evidence on this point must refer to the time preceding the act under prosecution or to the very moment of its execution.^[12] If the evidence pointed to insanity subsequent to the commission of the crime, the accused cannot be acquitted. He is presumed to be sane when he committed it.

The quantum of evidence required to overthrow the presumption of sanity is proof beyond reasonable doubt.^[13] Insanity is a defense in the nature of a confession and avoidance, and as such must be proved beyond reasonable doubt.

Appellant contends that Dra. Santiago's declaration as to his insanity was also corroborated by the testimony of Dr. Johnvert R. Jimenez, resident physician of the Center. As further contended, the testimonies of Dra. Santiago and Dr. Jimenez were supported by the antecedent fact that appellant was examined for mental disorder at the University of Sto. Tomas, Manila, prior to the commission of the crime charged as testified to by his children, Maritess and Ricky Danao. In short, appellant submits that he was insane, with complete absence of power to discern, and totally deprived of the freedom of will when he committed the crime.

The foregoing contentions do not deserve merit.

As the records will show, Dr. Jimenez just made an initial examination on the mental condition of the appellant after he was admitted at the Center. He testified:

"Atty. Silvestre:

Q. Now, Mr. Witness, in your residency at the National Center for Mental Health, do you recall whether you treated a person by the name of Teotimo Danao?

Dr. Johnnevert Jimenez:

A. Yes, sir, I was the initial attending physician of that patient.

Q. When did you first attend to this patient by the name of Teotimo Danao?

A. From the time he was admitted sometime in November 1988 until March when I submitted my initial court report.

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Q. Mr. witness, you said that you examined the patient while he was confined at the National Center for Mental Health, after this first endorsement which is dated March 30, 1989 recommending for further treatment, did you further examine the patient?

A. No, sir, Dr. Avelina (sic) Medrano--Medina was the next attending physician of Teotimo Danao."[14]

The participation of Dra. Sylvia B. Santiago, Chief, Forensic Psychiatry Service of the Center, was merely to indorse the "Report on the mental and physical condition of patient Teotimo Danao y Manansala" dated March 30, 1989 (Exhibit "1-A", "1-B" and "1-C") jointly signed by Dr. Johnnevert R. Jimenez and Dr. Nicanor L. Echavez as shown in her 1st Indorsement (Exhibit "1") which contained the following:

"Respectfully forwarded to the Honorable Judge, Municipal Trial Court, Masantol-Macabebe, Masantol, Pampanga the enclosed clinical case report on the mental and physical condition of patient TEOTIMO DANA O Y MANANSALA accused in Criminal Case No. 88--133, in compliance with the order of this Court."[15]

Dra. Santiago merely indorsed the "Follow-up report on the present mental and physical condition of patient TEOTIMO DANA O Y MANANSALA, etc." dated August 24, 1989 (Exhibit "2", "3-A", "3-B", "3-C" and "3-D") jointly signed by Dra. Adelita Medrano-Medina and Dr. Isagani S. Gonzales as can be shown in her 1st Indorsement of even date which also contained the following:

"Respectfully forwarded to the Honorable Judge, Municipal Trial Court Masantol--Macabebe, Masantol, Pampanga the enlisted clinical case report on the mental and physical condition of patient TEOTIMO DANA O Y MANANSALA accused in Criminal Case No. 88-133, in compliance with order of this court."[16]

Clearly, Dra. Santiago did not actually examine the mental condition of the appellant during his confinement for alleged insanity at the Center.

The testimonies of the two doctors, Dra. Sylvia Santiago and Dr. Johnnevert Jimenez seemingly were influenced by the disclosure of the appellant of his previous consultation at the UST Hospital sometime in 1986. They did not examine the accused before October 26, 1988, the date when he killed his wife, but after the killing. At the UST Hospital on March, 1986, appellant was merely given tranquilizers and was treated as an out patient. Thus, Dr. Jimenez testified as follows:

"Atty. Silvestre:

Q. Now, Mr. Witness, the alleged crime took place sometime on October 26, 1988 and based on your examination of the patient, did you find out from the patient whether prior to that he was already sick of that ailment which is mental disorder?

Dr. Jimenez:

A. Yes, sir. Upon interviews, the patient relates that was sometime in 1986 wherein admmissive behavior were observed that he was brought to the UST Hospital for psychotic examination or consultation and he was given psychosis medication but he did not come back for follow-up treatment. Then sometime in October 1988, he allegedly stabbed his wife. So based on our findings we believed that the patient was suffering from psychosis before, during and after the commission of the crime.[17]

During cross-examination, Dr. Jimenez testified that appellant was found to have no record of any previous admission at the National Center for Mental Health. He further testified:

"Court:

Q. Doctor, you will agree with the Court that Teotimo Danao was first admitted at the hospital, you had no record that he was previously confined there for examination.

Dr. Jimenez:

A. Yes, your honor.

Q. You will also agree with the Court that in accordance with your examination his control of his impulse is weak?

A. Yes, your honor.

Q. And he could easily overwhelm by emotions?

A. Based on the mental status, yes, your honor.

Q. With the agreement with the Court you will also agree that a person overwhelm by emotions maybe sane but is only overwhelm by emotions?

A. It could be a part of the symptoms, your honor.[18]

It is the impression of this Court that the appellant is purporting insanity to exculpate himself from his criminal liability.

"Fiscal Agpawa.

Q. Mr. Witness, it was only after the death of your wife that you were treated at the National Mental Hospital. Is that it?

Teotimo Danao:

A. What I remember I was already being checked up at the UST Hospital before the death of my wife, sir.

Q. But you were only committed at the national Mental Hospital after the death of your wife?

A. I do not know, sir.

Fiscal Agpawa:

That is all, your Honor.

Court:

Q. You know that you were admitted to the National mental Hospital?

A. I do not know why I was brought there, sir.

Q. You will admit that you were brought there?

A. When I woke up I just discovered that I was at the national mental Hospital.

Q. Were you interviewed there?

A. Yes, sir.

Q. And you answered questions?

A. Yes, sir.

Q. You answered the question with respect to matters you know?

A. Yes, sir."[19]

In the case at bar, there is no clear and convincing evidence that appellant was insane during the commission of the crime. The fact is, prior to the commission of the crime, appellant was engaged in fishing and was a "jueteng" collector for the last two years. Victorio Sunga testified:

"Fiscal Pangilinan:

Q. What is the name of the husband of Ruby Danao?

Victorio Sunga:

A. Teotimo Danao, sir.

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Q. Do you know the occupation or vocation of the accused Teotimo Danao?

A. Yes, sir.

Q. What was his work?

A. He is a fisherman 'mamalakaya'.

Q. Where does he exercise is (sic) profession or vocation?

A. In the sea, sir.

Q. For how long have you known the accused engaged in fishing at the sea?

A. Since he got married.

Q. Aside from fishing do you know if ever the accused is engaged in any occupation?

A. Yes, sir.

Q. What kind of work was he engaged aside from fishing?

xxx xxx xxx

A. He is a collector in "weteng" sir.

Q. Where does he exercise that "weteng" collector?

A. In San Esteban, Macabebe, Pampanga, sir.

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Q. For how long have you known him engaged in weteng collector?

A. Maybe, sir, for two years already, sir.[20]

Maritess Danao likewise testified:

"Fiscal Pangilinan:

Q. What was the occupation or vocation of your father before October 26, 1988?

Maritess Danao:

A. He was a jueteng bet collector, sir.

Q. Of your own personal knowledge when was the last date that your father engaged in jueteng be collecting?

A. A few days before the incident my father has stopped collecting jueteng bet and mother was the one who collected jueteng bet then.

Q. How long was your father was collecting jueteng before he stopped?

A. For quite a time already, sir.[21]

The evidence before Us says that appellant was not insane during the commission of the crime. Insanity must be clearly and satisfactorily proved in order to acquit an accused on the ground of insanity.[22] In the absence of such proof, it will be presumed that the offender committed the crime when he was sane. The presumption is in favor of sanity. The defense must prove insanity beyond reasonable doubt.[23]

It has been repeatedly held that conclusions and findings of fact by the trial court are entitled to great weight on appeal and should not be disturbed unless for strong and cogent reasons because the trial court is in a better position to examine real evidence, as well as to observe the demeanor of witnesses while testifying in the case. The trial court had the privilege of examining the deportment and demeanor of the witnesses and therefore, it can discern if such witnesses were telling the truth or not.[24]

Moreover, the state should guard against sane murderers escaping punishment through a general plea of insanity.[25]

The mitigating circumstance of voluntary surrender however, should be considered in favor of the appellant. His surrender to the barangay officials[26] was spontaneous in such manner that it shows the intent of the accused to surrender unconditionally, to the authorities, either because he acknowledges his guilt or he wishes to save them the trouble and expense necessarily incurred in his search and capture.

Under Article 63, par. 2 (3) of the Revised Penal Code, it provides that in all cases in which the law prescribes a penalty composed of two indivisible penalties, like reclusion perpetua to death, the penalty of parricide (Article 246), and there is present one (1) mitigating circumstance with no aggravating circumstance to affect the same, the lesser penalty shall be applied, which in this case is reclusion perpetua. The penalty imposed by the trial court is correct except that the indemnity be P50,000.00.[27]

WHEREFORE, the guilt of the accused-appellant Teotimo Danao having been proved beyond reasonable doubt

and there being no reversible error in the decision appealed herefrom, the same is hereby **AFFIRMED** with the modification that the indemnity to be paid by the appellant is hereby increased to P50,000.

SO ORDERED.

Narvasa, C.J., (Chairman), Feliciano, Regalado, and Campos, Jr., JJ., concur.

- [1] T.S.N., January 22, 1990, pp. 16-22.
- [2] T.S.N., July 9, 1990, pp. 29-30.
- [3] T.S.N., January 22, 1990, p. 42.
- [4] Records, pp. 103-105.
- [5] Ibid.
- [6] Records, pp. 7-8.
- [7] T.S.N., February 1, 1990, pp. 4-24.
- [8] T.S.N., February 26, 1990, pp. 24-25.
- [9] Records, p. 1.
- [10] Rollo, pp. 18-21.
- [11] No. L-33211, 105 SCRA 151, 158-159 (1981).
- [12] U.S. vs. Guevarra, 27 Phil. 547.
- [13] People vs. Dungo, G.R. No. 89420, 199 SCRA 860 (1991).
- [14] T.S.N., September 14, 1990, pp. 8, 15.
- [15] Records, p. 102.
- [16] Records, p. 5.
- [17] T.S.N., September 14, 1990, pp. 23-24.
- [18] Ibid., at pp. 27-28.
- [19] T.S.N., October 9, 1990, pp. 11-12.
- [20] T.S.N., January 22, 1990, pp. 8-10.
- [21] T.S.N., February 1, 1990, pp. 26-27.
- [22] U.S. vs. Guevarra, 27 Phil. 547 (1914).
- [23] People vs. Cruz, 109 Phil. 288 (1960).
- [24] People vs. Dungo, *supra*.
- [25] Ibid.
- [26] T.S.N., January 22, 1990, p. 42.

[27] People vs. Sison, G.R. No. 86455, 189 SCRA 643 (1990).

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