

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. EDWIN CAÑETA Y VILLAPANDO, AND ANTONIO ABES Y GALLEG0, ACCUSED-APPELLANTS.

G.R. Nos. 110855-56. June 28, 1999

Ponente: PARDO, J.

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PARDO, J.:

What is before the Court on appeal is the decision[1] of the Regional Trial Court, Manila, Branch 49, convicting accused-appellants of the special complex crime of robbery with homicide and sentencing each of them to reclusion perpetua, with the accessory penalties of the law, to pay the heirs of the deceased the amount of P30,000.00, as moral and exemplary damages, and P17,200.00, as actual damages and to return to Muñoz Surpresa Grande P50,00.00.

The prosecution initially filed two separate informations against accused-appellants with the Regional Trial Court, Manila, charging them with the special complex crime of robbery with homicide, as follows:

[Criminal Case No. 88-67358]

On October 17, 1988, Assistant Prosecutor Jacinto A. Delos Reyes, Jr. of Manila filed with the Regional Trial Court, Branch 49, Manila, an information charging EDWIN CAÑETA y VILLAPANDO with robbery with homicide, which reads:

"That on or about October 12, 1988, in the City of Manila, Philippines, the said accused, conspiring and confederating with one, whose true name, identity and present whereabouts are still unknown, and mutually helping each other, with intent to gain and by means of force, violence and intimidation, to wit: by then and there placing his arms around the shoulder of one TEODORICO MUÑOZ Y BALLESTEROS, poking the bladed weapon at him and then stabbing him with the same when the latter resisted, did then and there willfully, unlawfully and feloniously take, rob and carry away a clutch bag containing cash money in the sum of P50,000.00, belonging to the said Teodorico Muñoz y Ballesteros, against his will, to the damage and prejudice of the said owner in the aforesaid amount of P50,000.00, Philippine Currency.

"That on the occasion of the said robbery and for the purpose of enabling the said accused to take, rob and carry away the cash amount of P50,000.00, the said accused, in pursuance of their conspiracy, with intent to kill, did then and there willfully, unlawfully and feloniously attack, assault and use personal violence upon the person of said Teodorico Muñoz y Ballesteros, by then and there stabbing him several times with bladed weapon, hitting him on the vital parts of his body, thereby inflicting upon him fatal and mortal stabwounds which were the direct and immediate cause of his death thereafter.

"Contrary to law."[2]

[Criminal Case No. 88-68270]

On November 18, 1988, Assistant Prosecutor Christopher O. Lock of Manila filed with the Regional Trial Court,

Branch 28, Manila, an information charging ANTONIO ABES y GALLEGO with robbery with homicide, which reads:

"That on or about October 12, 1988, in the City of Manila, Philippines, the said accused, conspiring and confederating with EDWIN CAÑETA Y VILLAPANDO who was already charged in a separate information before the Regional Trial Court of Manila in Crim. Case No. 88-67358 and mutually helping each other, with intent to gain and by means of force, violence and intimidation, to wit: by then and there placing his arms around the shoulder of one TEODORICO MUÑOZ Y BALLESTEROS, poking the bladed weapon at him and then stabbing him with the same when the latter resisted, did then and there willfully, unlawfully and feloniously take, rob and carry away a clutch bag containing cash money in the sum of P50,000.00 belonging to the said Teodorico Muñoz y Ballesteros, against his will, to the damage and prejudice of the said owner in the aforesaid amount P50,000.00 Philippine Currency.

"That on the occasion of the said robbery and for the purpose of enabling the said accused to take, rob and carry away the cash amount of P50,000.00 the said accused in pursuance of their conspiracy, with intent to kill, did then and there willfully, unlawfully and feloniously attack, assault and use personal violence upon the person of said Teodorico Muñoz y Ballesteros, by then and there stabbing him several times with a bladed weapon, hitting him on the vital parts of his body, thereby inflicting upon him fatal and mortal stabwounds which were the direct and immediate cause of his death thereafter.

"Contrary to law."[3]

Upon arraignment, accused-appellants pleaded not guilty to each of the informations.

Upon agreement of the prosecution and the defense, the two cases were consolidated and tried jointly.

During the trial, counsel of accused Edwin Cañeta moved that he be examined by experts of the National Center for Mental Health to determine whether he was mentally fit to undergo the rigors of trial. The trial court granted the motion and ordered the suspension of trial pending submission by the Director, National Center for Mental Health, of his report.

The evidence established that Teodorico Muñoz was employed as a delivery man of the Muñoz Sorpresa Grande, a firm engaged in the door-to-door delivery of cash money from Honolulu, Hawaii, U.S.A. to various recipients in the Philippines. In the morning of October 12, 1981, Tedorico Muñoz reported for work and left the office with P50,000.00 in his custody to be delivered to various recipients in Kalookan City and Parañaque, Metro Manila. At around 10:00 in the morning of that day, while Muñoz was in the vicinity of Remigio St. and Rizal Ave. in Sta. Cruz, Manila, two persons held him up, who were later identified as accused-appellants Edwin Cañeta and Antonio Abes. Cañeta stabbed Munoz with a balisong while Abes grabbed the bag containing P50,000.00 cash. Then accused ran in different directions.[4]

Witness Maria Manalac was at G & M Kitchenette located at the corner of Remigio Street and Avenida Rizal, Manila, on October 12, 1988, at about 10:00 in the morning. When she alighted from her car, she heard at a distance of about ten (10) meters, a man shouting "habulin ninyo, habulin ninyo". She asked the man why and he said that his bag was snatched. She saw blood oozing from all over the front portion of his body. He pointed to a person, who at that time, was fifty (50) meters away, running away towards an alley going out of Tomas Mapua Street, Sta. Cruz, Manila. The person pointed to was wearing a rust-colored t-shirt and was carrying an object which, at that distance, Maria Manalac could not discern. Another person was also running away from the scene. She brought Teodorico Muñoz to the Jose Reyes Memorial Hospital. The surgeon on duty pronounced Teodorico Muñoz dead on arrival at 10:15 in the morning of that day.[5]

Pfc. Danilo Ongtengco proceeded to the crime scene and found that accused Edwin Cañeta was collared by an

irate mob along Tomas Mapua Street near corner T. Remigio, Manila. He was turned over to operatives of the police and a fan knife (balisong) with broken handle.[6] Edwin Cañeta confessed to stabbing the victim and also stated that Tony Gil was his companion.[7]

Another prosecution eyewitness Evangeline Mico who was present during the startling occurrence, positively identified accused-appellant Antonio Abes as one of the two (2) assailants of the victim.

Dr. Marcial Ceñido, Medico-legal Officer of the Western Police District, Metropolitan Police Force, conducted an autopsy of the body of Teodorico Muñoz and submitted his findings in a Medico-Legal Report, Exhibit "B". His findings revealed the following:

"EXTERNAL INJURIES AND EXTENSION EXTERNALLY:

"1. Penetrating stab wound, right lower anterior thorax, 7cm. From the anterior midline, measuring 1.5 cm. x 10.5 cm. In depth, directed obliquely backwards, upwards and towards the midline thru the 6th right intercostal space and piercing the right ventricle of the heart;

"2. Non-penetrating stab wound, right lateral thorax above the level of the right nipple, just posterior to the midaxillary line, measuring 2 cm. x 0.6 cm x 6.2 cm. in depth, directed obliquely backwards, downwards and every slightly towards the midline coursing thru the muscle tissue;

"3. Penetrating stab wound, right anterior abdomen about the level of the umbilicus, 9 cm. from the anterior midline, measuring 3.2 cm. x 0.7 cm. x 11 cm. in depth, directed obliquely backwards, very slightly upwards and towards the lateral piercing the ascending colon and right kidney;

"4. Penetrating stab wound, left upper anterior thorax, 2.5 cm. from the anterior midline, measuring 1.5 cm. x 0.5 cm. x 11 cm. in depth, directed obliquely backwards, slightly upwards and towards the lateral piercing the upper lobe of the left lung;

"5. Stab wound, thru and thru, right arm, middle 3rd, posterior, point of entry at the lateral half measuring 1.7 cm. x 0.5 cm., directed very slightly forwards, very slightly upwards and towards the midline thru the subcutaneous tissue and exiting at the postero-medial surface and which measures 1.5 cm. x 0.3 cm.; and

"6. Stab wound, posterior proximal 3rd of the right forearm, measuring 1.3 cm. x 0.3 cm. x 3.5 cm. in depth, directed obliquely forwards, upwards and towards the lateral thru the muscle tissue.

"INTERNAL FINDINGS:

"1. Stab wounds of the internal organs and tissues indicated under the internal extensions of the external wounds with massive hemopericardium, and recovered blood of about 1,000 cc from the thoracic and abdominal cavities; and

"2. Recovered from the stomach about a glassful of liquid and without alcoholic odor."

"CAUSE OF DEATH

"Multiple stab wounds."

On April 7, 1989, the National Center for Mental Health submitted a report to the trial court on the mental examination of accused Edwin Cañeta. The report disclosed that the accused was mentally and physically competent to stand the rigors of a court trial. Then the prosecution and the counsel for accused Edwin Cañeta stipulated that, to abbreviate proceedings, whatever evidence, testimonial and documentary, adduced by the prosecution during the trial of "People versus Antonio Abes" would constitute evidence of the prosecution in the case against Edwin Cañeta.

The defense presented as its lone witness Dr. Perfecto D. Chua Cheng III. He testified that he examined accused Edwin Cañeta and found him suffering from drug psychosis. Drug psychosis occurs when a patient is heavily under the influence of prohibited drugs and alcoholic beverages, so that he manifested some psychotic behavior. The accused is also suffering from auditory hallucination. These are sounds or voices a person hears without any stimulus.[8]

On April 2, 1990, the trial court rendered judgment convicting accused-appellants, the dispositive portion of which reads:

"WHEREFORE, judgment is hereby rendered in the following cases; as follows:

- In "People versus Edwin Cañeta," Criminal Case No. 88-67358, judgment is hereby rendered finding the Accused Edwin Cañeta guilty beyond reasonable doubt, as principal, for the crime of "Robbery with Homicide" defined in and penalized by Article 294 of the Revised Penal Code and hereby metes him the penalty of Reclusion Perpetua, with all the accessory penalties of the law, and hereby condemns him to pay, jointly and severally with the Accused Antonio Abes, to the heirs of the deceased the amount of P30,000.00 as moral and compensatory damages and P 17,200.00 as actual damages and to return to the Muñoz Surpresa Grande the P50,000.00;
- In "People versus Antonio Abes," Criminal Case No. 88-68270, judgment is hereby rendered finding the Accused Antonio Abes guilty beyond reasonable doubt, as principal, for the crime of "Robbery with Homicide" and hereby metes on him the penalty of Reclusion Perpetua with all the accessory
- Penalties of the law, and hereby condemns him to pay to the heirs of the deceased, jointly and severally with the Accused Edwin Cañeta, the amount, of P30,000.00 by way of moral and compensatory damages and P17,200.00 as actual damages and to reimburse to Muñoz Surpresa Grande the P50,000.00.

xxx

SO ORDERED.

ROMEO J. CALLEJO

Judge"[9]

From this judgment, accused-appellants interposed the instant appeal.

The basic issues raised are: (1) whether accused-appellant Edwin Caneta was mentally ill (insane) at the time he committed the offense charged, hence he is exempt from criminal liability; (2) whether the testimony of witness Evangeline Mico y Nual should be given credence; (3) whether Antonio Abes y Gallego and "Tony Gil" are one and the same person.

We find no reversible error impelling a reversal of the trial court's decision.

The report of the National Center for Mental Health and the testimony of Dr. Perfecto D. Chua Cheng III do not prove insanity of accused-appellant Edwin Cañeta. The defense of insanity requires that the accused suffered from a complete deprivation of reason in committing the act. The accused must be completely deprived of reason. There must be no consciousness of responsibility for his acts, or that there be complete absence of the power to discern.[10] The defense of insanity or imbecility must be clearly proved.[11] The law presumes every man to be sane.[12]

A person accused of a crime who pleads the exempting circumstance of insanity has the burden of proving it. In order that insanity may be an exempting circumstance, there must be complete deprivation of reason in the commission of the act, or that the accused acted without discernment. Mere abnormality of his mental faculties

does not preclude imputability.[13] Accused-appellant Edwin Cañeta has failed to prove insanity to be exempted from criminal liability.

As to accused-appellant Antonio Abes, he was positively identified by eyewitness Evangeline Mico. The positive identification of a malefactor may not be disregarded just because his name was not known to the witness. For the eyewitness account is premised on the fact that the witness saw the accused commit the crime, and not because the witness knew his name.

The trial court, which had the opportunity to observe the demeanor of witness Evangeline Mico was convinced of her trustworthiness. "The time-tested doctrine is that a trial court's assessment of the credibility of a witness is entitled to great weight-even conclusive and binding on this Court, if not tainted with arbitrariness or oversight of some fact or circumstance of weight and influence." [14]

WHEREFORE, the Court hereby AFFIRMS the appealed decision, with the MODIFICATION that the indemnity which the accused shall jointly and severally pay to the heirs of the victim is raised to P50,000.00, in line with current rulings.

Costs against accused-appellants.

SO ORDERED.

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

[1] Decision dated April 2, 1990, in Criminal Cases Nos. 88-67358 and 88-68270 Regional Trial Court, Manila, Branch 49, Judge Romeo J. Callejo, presiding, Rollo, pp. 23-61.

[2] Record, pp. 1-2, Crim Case No. 88-67358.

[3] Record, pp. 1-2, Criminal Case No. 88-68270.

[4] tsn, pp. 5-6, January 18, 1989.

[5] tsn, pp. 90-95, January 10, 1988.

[6] tsn, pp. 14-22, January 10, 1988.

[7] Trial court's decision, p. 12, Rollo, pp. 100-139.

[8] Rollo, pp. 126-140, appellant's brief, pp. 132-139.

[9] Rollo, pp. 23-61.

[10] People vs. Medina, 286 SCRA 44; People vs. Danilo Gole Cruz, 177 SCRA 451; People vs. Aquino, 186 SCRA 851; People vs. Rafanan, 204 SCRA 65.

[11] People vs. Bonoan, 64 Phil. 87; People vs. Buenaflor, 211 SCRA 492.

[12] People vs. So, 247 SCRA 722, citing People vs. Catanyag, 226 SCRA 293; People vs. Pantoja, 25 SCRA 471; Gamido vs. Court of Appeals, 251 SCRA 101; People vs. Rafanan, supra, citing People vs. Dungo, 199 SCRA 860; People vs. Morales, 121 SCRA 426.

[13] People vs. Tabugoca, 285 SCRA 312; People vs. Puno, 105 SCRA 151; People vs. Aldemita, 145 SCRA 451.

[14] People vs. Angeles, 275 SCRA 19, 28-29.

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