

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
ROGER AUSTRIA Y NAVARRO ALIAS “BERNIE,”
ACCUSED-APPELLANT.**

G.R. Nos. 111517-19. July 31, 1996

Ponente: ROMERO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-nos-111517-19/>

ROMERO, J.:

Appellant Roger Navarro Austria was charged with the crimes of Frustrated Murder in three separate informations filed with the Regional Trial Court of Lingayen, Pangasinan, to wit:

I N F O R M A T I O N

The undersigned hereby accuses ROGER N. AUSTRIA @ "Bernie" of the crime of FRUSTRATED MURDER, committed as follows:

That on or about the 25th day of September 1989, in the morning, in barangay Domalandan West, municipality of Lingayen, province of Pangasinan, New Republic of the Philippines and within the jurisdiction of this Honorable Court, the above-named accused armed with a bladed weapon, with intent to kill, with treachery and taking advantage of his superior strength, did then and there wilfully, unlawfully and feloniously assault and stab Mylene Samson in her dwelling, inflicting upon her the following injuries:

- Stab wound 2 cm. mid epigastric area penetrating - perforating left lobe liver.

- Stab wound 2 cm. left hypochondriac area with omental avisceration, penetrating lacerating the body of pancreas,

the accused having thus performed all the acts of execution which would have produced the crime of Murder as a consequence but which, nevertheless, did not produce by reason of causes independent of the will of the accused, that is, the timely medical assistance rendered to said Mylene Samson which prevented her death, to her damage and prejudice.

Contrary to Art. 248 in relation to Art. 6 of the Revised Penal Code.

Lingayen, Pangasinan, November 20, 1989.[1]

X-----X

I N F O R M A T I O N

The undersigned hereby accuses ROGER AUSTRIA y Navarro @ "Bernie" of the crime of MURDER, committed as follows:

That on or about 1:00 o'clock in the morning of September 25, 1989, at barangay Domalandan West, municipality of Lingayen, province of Pangasinan, New Republic of the Philippines and within the jurisdiction of this Honorable Court, the above-named accused, armed with a pointed sharp bladed weapon, with intent to kill, with treachery, evident premeditation and taking advantage of superior strength, did then and there wilfully,

unlawfully and feloniously stab Myrna C. Samson, inflicting upon her the following injuries:

Thoracic Cage:

Neck -stab wound 1 inch wide 1 inch deep, left, side.

Shoulder -stab wound 1 inch wide, thru & thru lateral third, right.

Chest -presence of multiple stab wounds, nine (9) in number of same sizes, 1 inch wide, but different depths of penetration.

Abdomen -stab wound 1 inch wide, 7 inches depth 1/2 inch away from the navel right side.

-stab wound 1 inch wide, 5 inches in depth, above eliac chest left side.

Extremities:

Upper -stab wound 1 inch wide, three inches deep, middle portion of arm, lateral side left.

-incised wound 2 inches long, one (1) inch below cubital fossea left forearm.

-incised wound 2 inches long, lateral side arm, right.

-incised wound 2 inches long palm, left.

which caused her death as a consequence, to the damage and prejudice of her heirs.

Contrary to Art. 248 of the Revised Penal Code.

Lingayen, Pangasinan, November 20, 1989.[2]

X-----X

I N F O R M A T I O N

The undersigned hereby accuses ROGER AUSTRIA alias "Bernie" of the crime of MURDER, committed as follows:

That on or about September 25, 1989 in barangay Domalandan West, municipality of Lingayen, province of Pangasinan, New Republic of the Philippines and within jurisdiction of this Honorable Court, the above-named accused armed with a "balisong," with intent to kill and by means of treachery and with abuse of superior strength did then and there wilfully, unlawfully and feloniously assault and stab Tyrone Samson inflicting upon him the following injuries:

CHEST:

-stab wound 1 inch wide, 1/2 inch deep, manubrium sterni,

-stab wound 1 inch wide, 1/2 inch deep just above the right areola,

-stab wound 1 inch wide, 1/2 inch deep, level of the 4th KS mid-axillary line, right side.

BACK:

-presence of multiple stab wounds, seventeen (17) in number with uniform width, (1 inch wide) but different depth ranging from 1/2 inch to nine (9) inches.

UPPER EXTREMITY:

-stab wound, 1 inch wide, 1 inch deep arm, right.

LOWER EXTREMITY:

-stab wound 1 inch wide, 2 1/2 inch deep lateral side, thigh right,

-stab wound 1 inch wide, 3 inches deep lateral side, thigh, left.

-stab wound 1 inch wide, 7 inches deep below the tip of scapula, right penetrating the lower lobe of right lung;

-stab wound 1 inch wide, 8 inches deep level of the 6th intercostal space, posterior axillary line, left side, penetrating the lower lobe of left lung;

-stab wound, 1 inch wide, 9 inches deep, level of the 7th intercostal space, posterior axillary line, left side, penetrating the inferior lobe of left lung.

which injuries directly caused his death to the damage and prejudice of his heirs.

Contrary to Art. 248 of the Revised Penal Code.

Lingayen, Pangasinan, November 20, 1989."[3]

Appellant pleaded not guilty to each of the crimes charged in the foregoing Informations. The three cases were tried jointly and on June 14, 1993, the trial court rendered a decision, the dispositive portion of which states:

"WHEREFORE, the accused, Roger Austria y Navarro, alias "Bernie", is hereby found guilty beyond reasonable doubt of the three (3) crimes of Murder on two (2) counts, defined and penalized under Article 248 of the Revised Penal Code under Criminal Case Nos. L-4168 and L-4189, and, under Criminal Case No. L-4166, of Frustrated Murder, defined and penalized under Article 248 in relation to Article 6 of the Revised Penal Code, and he is hereby sentenced to suffer the following penalties:

Under Criminal Cases Nos. L-4168 and L-4169, imprisonment of double reclusion perpetua; and

Under Criminal Case No. L-4166, Four (4) Years and Six (6) Months of prision correccional to Sixteen (16) Years and Six (6) Months of prision mayor;

And under the said three (3) cases, to indemnify the heirs of Myrna dela Cruz Samson in the amount of P50,000.00, and the heirs of Tyrone Samson in the same amount of P50,000.00, and Mylene Samson in the amount of P40,000.00.

And to pay costs.

SO ORDERED."[4]

The prosecution's version of the events leading to appellant's conviction is as follows:

On September 25, 1989, between 12:00 midnight and 1:00 in the morning, Myrna dela Cruz Samson and six of her seven children namely, victim Mylene, Mary Ann, Melanie, Myra Liza, Teddy and victim Tyrone were fast asleep in their house located at Barangay Domalandan, Lingayen, Pangasinan. Myrna and her sons Tyrone and Teddy, were sleeping in one room while Myrna's daughters were sleeping in another bedroom.

Appellant, who was the Samsons' next door neighbor, suddenly entered their house, without their knowledge and consent, and proceeded to the room where Myrna and her two sons were sleeping. He stabbed Myrna and Tyrone with a "balisong" several times. The victims managed to run away but appellant chased them, continuing with the stabbing until Myrna fell dead by the stairs and Tyrone in front of the altar, in the vacant third bedroom.

While the stabbing was going on, Myrna's 12-year old daughter Mylene woke up and peeped through an opening of their bedroom's door which was adjacent to the bedroom of her mother. She saw appellant stabbing her mother first, then her brother Tyrone. When appellant noticed her peeping, he went after her and likewise stabbed her several times inside the room. Thereafter, he left the house through the kitchen door.

Guadalupe dela Cruz, mother of Myrna, was awakened from her sleep by the commotion and moaning in her daughter's house, which was only about five (5) meters away from her own house. She rushed to the victims' house and opened the door. Upon entering the house, she saw her daughter Myrna sprawled dead on the floor. Thereupon, she rushed to the kitchen and saw appellant running away with a "balisong." She looked for her grandson Tyrone and found him also sprawled dead on the floor while her granddaughter Mylene was in a room, already weak because of her stab wounds.

Guadalupe dela Cruz called for the barangay captain, informed him of what transpired and requested him to report the incident to the police of Lingayen, Pangasinan. Mylene was brought to the Pangasinan General Hospital in Dagupan City for treatment of her stab wounds while the bodies of Myrna and her son Tyrone were brought to the Funeraria de Guzman.

Dr. Noel Manaois examined Mylene and found two (2) stab wounds, both of which were deep and could have caused her death were it not for the timely medical attention given.

Dr. Jose S. Rosario, Municipal Health officer of Lingayen, conducted autopsies on the bodies, prepared the autopsy reports and described the injuries suffered by the victims.

On his part, appellant denied having killed Myrna Samson and her son Tyrone Samson and denied attempting to kill Mylene Samson.[5] He claimed that he had no prior misunderstanding with Myrna Samson or her husband or her children.[6]

Appellant sought to establish the defense of insanity by presenting Dr. Constantine D. Della, a psychiatrist at Baguio General Hospital, who examined and treated appellant on April 23, 1991 and who issued a "Psychiatric Evaluation" dated November 14, 1991 stating that:

"In view of the foregoing history, examinations, interviews, and observations, the patient Roger N. Austria is found to be suffering from a long-standing illness classified as Schizophrenic Psychosis, Paranoid type. This is manifested by the patient as follows: (1) deterioration in areas of work, social relations, and personal hygiene; (2) auditory hallucinations; (3) incoherence and irrelevance; (4) talking by himself; (5) delusions of grandeur; (6) delusion of persecution; (7) poor impulse control, judgment, and insight; (8) walking aimlessly; (9) failure to sleep well; and (10) violent and destructive behavior." [7]

The trial court, however, found that appellant was sane when he committed the crimes charged and forthwith

convicted him.

Before us now on appeal, appellant assigns the following errors:

"I

THE COURT A QUO ERRED IN NOT GIVING PROBATIVE WEIGHT TO THE TESTIMONY OF AND PSYCHIATRIC EVALUATION BY DR. CONSTANTINE D. DELLA FINDING THE ACCUSED ROGER AUSTRIA TO BE LABORING FROM A LONG-STANDING MENTAL ILLNESS CLASSIFIED AS "SCHIZOPHRENIC PSYCHOSIS," PARANOID TYPE.

II

THE COURT A QUO ERRED IN APPRECIATING THE AGGRAVATING CIRCUMSTANCES OF TREACHERY AND ABUSED (SIC) OF SUPERIOR STRENGTH AGAINST THE ACCUSED AND CONSEQUENTLY IN SENTENCING THE ACCUSED OF DOUBLE RECLUSION PERPETUA IN CRIMINAL CASES NOS. L-4168 AND L-4169 AND IN CRIMINAL CASE NO. L-4166 FOR FOUR (4) YEARS AND SIX (6) MONTHS OF PRISION CORRECCIONAL TO SIXTEEN (16) YEARS AND SIX (6) MONTHS OF PRISION MAYOR."

In amplification of his first assignment of error, appellant contends that he was first admitted to a Mental Hospital in 1972, diagnosed with Schizophrenic Psychosis, Paranoid type and was confined therein for about a month; the second time in 1977 for three weeks, the third time in 1988 for about a month, and the last time on April 8, 1991.[8]

Accordingly, appellant argues, the trial court erred in presuming that he was mentally stable since being released from confinement, as it was only the schizophrenic manifestations that disappeared - not the disease itself.

The main issue presented before us is whether or not the accused was insane at the time of the commission of the crime, as would exempt him from criminal liability. The answer and resultant decision, therefore, hinges on the meaning of "insanity."

For a person to be adjudged insane under Art. 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.[9]

On various occasions, this court has also declared that "insanity exists when there is 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 that there is total deprivation of freedom of the will. Mere abnormality of the mental faculties will not exclude imputability."[10]

Section 1039 of the Revised Administrative Code defines insanity 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."

However, 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.[11]

In the present case, the accused had been treated before for schizophrenia, paranoid type.

Schizophrenia is defined as a chronic mental disorder characterized by inability to distinguish between fantasy and reality, and often accompanied by hallucinations and delusions.[12] (underscoring supplied)

A "Paranoid Type Schizophrenia" is described as follows:

"Frequently the prepsychotic personality of the paranoid schizophrenic is characterized by poor interpersonal rapport. Often he is cold, withdrawn, distrustful, and resentful of other persons. Many are truculent, have a chip-on-the-shoulder attitude, and are argumentative, scornful, sarcastic, defiant, resentful of suggestions or of authority, and given to caustic remarks. Sometimes flippant, facetious responses cover an underlying hostility.

x x x. The patient's previous negative attitudes become more marked, and misinterpretations are common. Ideas of reference are among the first symptoms. Disorders of association appear. Many patients show an unpleasant emotional aggressiveness. Through displacement, the patient may begin to act out his hostile impulses. His grip on reality begins to loosen. At first his delusions are limited, but later they become numerous and changeable x x x. Delusions of persecution are the most prominent occurrences in paranoid schizophrenia, but expansive and obviously wish-fulfilling ideas and hypochondriacal and depressive delusions are not uncommon. With increasing personality disorganization, delusional beliefs become less logical. Verbal expressions may be inappropriate and neologistic. The patient is subjected to vague magical forces, and his explanations become extremely vague and irrational. Imaginative fantasy may become extreme but take on the value of reality. Repressed aggressive tendencies may be released in a major outburst; some inarticulate paranoids may manifest an unpredictable assaultiveness. Many paranoid schizophrenics are irritable, discontented, resentful, and angrily suspicious and show a surly aversion to being interviewed. Some manifest an unapproachable, aggressively hostile attitude and may live in a bitter aloofness." [13]

Does schizophrenia therefore fall under the recognized definitions of insanity which would qualify it as an exempting circumstance? It depends.

We have stated that when insanity of the defendant is alleged as a ground of defense or reason for his exemption from responsibility, the evidence on this point must refer to the time preceding to act under prosecution or at the very moment of its execution. In such case, it is incumbent upon defendant's counsel to prove that his client was not in his right mind or that he acted under the influence of a sudden attack of insanity or that he was generally regarded as insane when he executed the act attributed to him. [14] In order to ascertain a person's mental condition at the time of the act, it is permissible to receive evidence of his mental condition during a reasonable period before and after. Direct testimony is not required nor are specific acts of disagreement essential to establish insanity as a defense. A person's mind can only be plumbed or fathomed by external acts. Thereby his thoughts, motives and emotions may be evaluated to determine whether his external acts conform to those of people of sound mind. To prove insanity, clear and convincing circumstantial evidence would suffice. [15]

Under present-day American jurisprudence, the states have a variety of rules regarding who bears the burden of proof in insanity defense cases. Many states and the federal government have placed the burden on the defendant to prove legal insanity by a preponderance of evidence. This is now the majority rule. [16]

In *People v. Rafanan*, [17] the defense of insanity due to schizophrenia was rejected by the Court as the evidence presented showed that if there was impairment of the mental faculties, such impairment was not so complete as to deprive the accused of intelligence or the consciousness of his acts. Thus, accused Rafanan was charged with rape and the prosecution was able to prove that he was aware of the reprehensible moral quality of the sexual assault. In other words, there was no "complete loss of intelligence" that would have entitled the accused to the exempting circumstance of insanity.

Likewise, in the earlier case of *People v. Puno*, [18] this Court held that the accused Puno was not legally insane when he killed his victim because he was not completely deprived of reason or will. It was the testimony of the three psychiatrists presented by the defense to the effect that Puno acted with discernment that ultimately led to his conviction.

In the instant case, Dr. Della testified during cross-examination that appellant's long-standing illness cannot be

cured by medication.

"PROS. BUGARIN: "

Q. With this kind of mental illness, Doctor, your findings would show that with the proper application of medicines, the patient will be cured?

A. The admission will not provide cure, but only improvement of the patient. It is like a diabetes. The medications will only control the sickness but will not actually eradicate the disease."[19]

He also testified that when the crimes occurred, appellant was suffering auditory hallucinations and having a relapse.[20]

Evidence of the accused's mental and emotional state prior to the commission of the crimes is contained in the Psychiatric Evaluation prepared by Dr. Della:

"In September 1989, Roger was behaving unusually again. The auditory hallucinations recurred; this time he was hearing the devil speaking to him, he was unable to sleep well at night and he walked aimlessly. One week later, on September 24, 1989, after having been intoxicated by ten bottles of beer he was suddenly overpowered by the urge to have sexual intercourse with Myrna. In the darkness of the night, he went to Myrna's house to find her and her children fast asleep. She (sic) forced her into having sex with him but Myrna vehemently resisted. In that moment of rejection, Roger remembered having been ordered by voices coming from the environment to kill Myrna, he immediately took hold of a knife and stabbed Myrna to death. Myrna's two children who witnessed the crime cried frantically. Again, the voices commanded Roger to kill both children. He succeeded in killing one but the other, while sustaining several wounds, survived. In his frenzy, he inadvertently lacerated his right palm. After the attack, he hurried home." (Psychiatric Evaluation, Re: Roger N. Austria, p. 3).

The Court is convinced that the testimonial and documentary evidence marshalled in this case by acknowledged medical experts have sufficiently established the fact that appellant was legally insane at the time he committed the crimes. His previous confinements, as early as 1972, his erratic behaviour before the assaults and Dr. Della's testimony that he was having a relapse all point to a man deprived of complete freedom of will or a lack of reason and discernment that should thus exempt him from criminal liability. However, he is still civilly liable under Article 101 of the Revised Penal Code which states:

"ART. 101. Rules regarding civil liability in certain cases. - The exemption from criminal liability established in subdivisions 1, 2, 3, 5 and 6 of Article 12 and in subdivision 4 of Article 11 of this Code does not include exemption from civil liability, which shall be enforced subject to the following rules:

First. In cases of subdivisions 1, 2, and 3 of article 12, the civil liability for acts committed by an imbecile or insane person, and by a person under nine years of age, or by one over nine but under fifteen years of age, who has acted without discernment, shall devolve upon those having such person under their legal authority or control, unless it appears that there was no fault or negligence on their part.

Should there be no person having such insane, imbecile or minor under his authority, legal guardianship, or control or if such person be insolvent, said insane, imbecile, or minor shall respond with their own property, excepting property exempt from execution, in accordance with the civil law.

Second. In case falling with subdivision 4 of article 11, the person for whose benefit the harm has been prevented shall be civilly liable in proportion to the benefit which they may have received.

The courts shall determine, in their sound discretion, the proportionate amount for which each one shall be liable.

When the respective shares cannot be equitably determined, even approximately, or when the liability also attaches to the Government, or to the majority of the inhabitants of the town, and, in all events whenever the damage has been caused with the consent of the authorities or their agents, indemnification shall be made in the manner prescribed by special laws or regulations.

Third. In cases falling within subdivisions 5 and 6 of article 12, the persons using violence or causing the fear shall be primarily liable and secondarily, or, if there be no such persons, those doing the act shall be liable, saving always to the latter that part of their property exempt from execution."

Thus, following the above provision, the accused must make indemnification to the heirs of his victims, Myrna C. Samson and Tyrone Samson and to the victim who survived, Mylene Samson, in the following amounts:

1. P50,000.00 to the heirs of Myrna dela Cruz Samson;
2. P50,000.00 to the heirs of Tyrone Samson; and
3. P40,000.00 to Mylene Samson.

Finally, since appellant is not criminally responsible, the aggravating circumstances of treachery and abuse of superior strength are not applicable either. For the above aggravating circumstances to be appreciated, it must be shown that appellant consciously adopted the same as a mode of attack against his victims to insure its commission without risk to himself.[21]

This is not the case at bar.

WHEREFORE, the Court ACQUITS appellant Roger Austria of the crimes of Murder and Frustrated Murder by reason of insanity and he is ordered confined at the National Mental Hospital for treatment until further notice. The Court further orders appellant to indemnify the heirs of Myrna dela Cruz Samson in the amount of P50,000.00, the heirs of Tyrone Samson in the same amount of P50,000.00, and Mylene Samson in the amount of P40,000.00.

SO ORDERED.

Regalado, (Chairman), Puno, Mendoza, and Torres, Jr., JJ., concur.

[1] Rollo, p. 7.

[2] Rollo, pp. 8-9.

[3] Rollo, pp. 10-11.

[4] Rollo, p. 26.

[5] TSN, January 30, 1992, p. 9.

[6] TSN, p. 23.

[7] Appellant's Brief, p. 12; Rollo, p. 42.

[8] TSN, April 22, 1992, pp. 11-12.

[9] *People v. Formigones*, 87 Phil. 658, 660.

[10] *People v. Ambre*, G. R. No. 52688, October 17, 1980; *People v. Renegado*, 57 SCRA 275 (1974); *People v. Cruz*, 109 Phil. 288.

[11] U.S. v. Vaquilar, 27 Phil. 89, 91.

[12] Encyclopedia and Dictionary of Medicine and Nursing, Miller-Keane, p. 860.

[13] Noyes' Modern Clinical Psychiatry, Seventh Edition, pp. 380-381.

[14] US. v. Jose Guevarra, 27 Phil. 547.

[15] People v. Bonoan, 64 Phil. 87; People v. Renegado, 57 SCRA 275 (1974).

[16] Clinical Handbook of Psychiatry and the Law, Paul S. Appleborn and Thomas G. Gutheil (1982).

[17] 204 SCRA 65 (1991).

[18] 105 SCRA 151 (1981).

[19] TSN, April 22, 1992, pp. 12-13.

[20] TSN, April 22, 1992, pp. 35-36.

[21] People v. Tumaob, 83 Phil. 738.

ABOUT BATAS.ORG

Study smarter at BATAS.org

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

The complete Philippine law library - free for everyone.

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

Audio case-brief lectures.

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

Bar review built on the science of memory.

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

The full law-school curriculum.

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

Mock exams that tell you where you stand.

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

A study planner that keeps you on pace.

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

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

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

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

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