

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. EVARISTO VAQUILAR, DEFENDANT AND APPELLANT.

G.R. Nos. 9471 and 9472. March 13, 1914

Ponente: TRENT, J.

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TRENT, J.:

The appellant, Evaristo Vaquilar, was charged in two separate informations with parricide, in one for the killing of his wife and in the other for the killing of his daughter. He was sentenced to life imprisonment, to indemnify the heirs, to the accessory penalties, and to the payment of the costs in each case. From this judgment he appealed. The two cases have been submitted to this court together.

The appellant in these two cases was proven to have killed his wife and daughter in the manner charged and to have wounded other persons with a bolo. The commission of these crimes is not denied. The defendant did not testify but several witnesses were introduced in his behalf, testifying that the defendant appeared to them to be insane at and subsequent to the commission of the crimes. They also testified that he had been complaining of pains in his head and stomach prior to the killing.

Our attention has been directed to the following testimony: Martin Agustin, witness for the prosecution, testified that he heard the appellant, his uncle, making a noise, and that he rushed into the house and saw the appellant kill his wife and daughter; that he was also cut by the appellant; that there "were seven, including the small boys and girls who were cut by him;" that he did not know of any disagreement between the appellant and the two deceased; that on the morning of that day Gregoria Villamar had said sometime before she was killed that the appellant had "felt pains in his head and stomach," The witness further stated that the appellant's "eyes were very big and red and his sight penetrating" at the time he was killing his wife and daughter, and that "according to my own eyes as he looked at me he was crazy because if he was not crazy he would not have killed his family—his wife and child."

Diego Agustin, a witness for the defense, testified that he helped Martin Agustin capture the appellant; that the appellant "himself used to say before that time he had felt pains in the head and the stomach;" that at the moment he was cutting those people "he looked like a madman; crazy because he would cut everybody at random without paying any attention to who it was."

Alexandra Vaquilar, the appellant's sister, testified that her brother had headache and stomach trouble about five days" prior to the commission of the crimes; that "he looked very sad at the time, but I saw him run downstairs and then he pursued me;" and that "he must have been crazy because he cut me."

Estanislao Canada, who was a prisoner confined in the same jail with the appellant, testified that he had observed the appellant about five months and that sometimes "his head is not all right;" that "oftentimes since he came to the jail when he is sent for something he goes all right without saying anything, even if he comes back he does not say anything at all;" that when the appellant returns from work he does not say a word; and that about every other night he, the appellant, cries aloud, saying, "What kind of people are you to me, what are you doing to me, you

are beasts."

The health officer who examined the two deceased and the other wounded parties found that the appellant's wife had five mortal wounds on the head, besides several other wounds on her hands; and that the daughter's skull was split "through and through from one side to the other." The witness stated that he made a slight examination of the defendant in the jail and that he did not notice whether defendant was suffering from any mental derangement or not.

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." In this case, as before indicated, 'one witness testified that "according to my own eyes as he looked at me he was crazy because if he was not crazy he would not have killed his family." That witness' conception of the word "crazy" evidently is the doing of some act by a person which an ordinarily rational person would not think of doing. Another witness testified that "he looked like a madman; crazy, because he would cut everybody at random without paying any attention to who it was." It is not at all unnatural for a murderer, caught in the act of killing his wife and child, to fly into a passion and strike promiscuously at those who attempt to capture him. The appellant's sister said "he must have been crazy because he cut me." This is another illustration of the popular conception of the word "crazy," it being thus used to describe a person or an act unnatural or out of the ordinary.

The conduct of the appellant after he was confined in jail as described by his fellow prisoner is not inconsistent with the actions of a sane person. The reflection and remorse which would follow the commission of such deeds as those committed by the appellant might be sufficient to cause the person to cry out, "What kind of people are you to me; what are you doing to me; you are beasts," and yet such conduct would not be sufficient to show that the person was insane at the time the deeds were committed.

In *People vs. Mortimer* (48 Mich., 37; 11 N. W., 776), the defendant was indicted for an assault with intent to murder. The defense attempted to prove "a mental condition which would involve no guilt." The supreme court on appeal in its decision distinguished between passion and insanity as follows:

"But passion and insanity are very different things, and whatever indulgence the law may extend to persons under provocation, it does not treat them as freed from criminal responsibility. Those who have not lost control of their reason by mental unsoundness are bound to control their tempers and restrain their passions, and are liable to the law if they do not. Where persons allow their anger to lead them so far as to make them reckless, the fact that they have become at last too infuriated to keep them from mischief is merely the result of not applying restraint in season. There would be no safety for society if people could with impunity lash themselves into fury, and then do desperate acts of violence. That condition which springs from undisciplined and unbridled passion is clearly within legal as well as moral censure and punishment. (*People vs. Finley*, 38 Mich., 482; *Welch vs. Ware*, 32 Mich., 77.)"

In *People vs. Foy* (138 N. Y., 664), the court said: "The court very properly continued with an explanation to the jury that 'the heat of passion and feeling produced by motives of anger, hatred, or revenge, is not insanity. The law holds the doer of the act, under such conditions, responsible for the crime, because a large share of homicides committed are occasioned by just such motives.' "

The *Cyclopedia of Law and Procedure* (vol. 12, p. 170), cites many cases on the subject of anger and emotional insanity and sums up those decisions in the following concise statement:

"Although there have been some decisions to the contrary, it is now well settled that mere mental depravity, or moral insanity, so called, which results, not from any disease of mind, but from a perverted condition of the moral system, where the person is mentally sane, does not exempt one from responsibility for crimes committed under its influence. Care must be taken to distinguish between mere moral insanity or mental depravity and irresistible impulse resulting from disease of the mind."

In the case of *United States vs. Carmona* (18 Phil. Rep., 62), the defendant was convicted of the crime of *lesiones graves*. The defendant's counsel, without raising any question as to the actual commission of the alleged acts, or the allegation that the accused committed them, confined himself to the statement, in behalf of his client, that on the night of the crime the defendant was sick with fever and out of his mind and that in one of his paroxysms he committed the said acts, wounding his wife and the other members of her family, without any motives whatever. In the decision in that case this court stated:

"In the absence of proof that the defendant had lost his reason or became demented a few moments prior to or during the perpetration of the crime, it is presumed that he was in a normal condition of mind. It is improper to conclude that he acted unconsciously, in order to relieve him from responsibility on the ground of exceptional mental condition, unless his insanity and absence of will are proven."

Regarding the burden of proof in cases where insanity is pleaded in defense of criminal actions, we quote as follows from *State vs. Bundy* (24 S. C, 439; 58 Am. Rep. 262, 265):

"But as the usual condition of men is that of sanity, there is a presumption that the accused is sane, which certainly in the first instance affords proof of the fact. (*State vs. Coleman*, 20 S. C, 454.) If the killing and nothing more appears, this presumption, without other proof upon the point of sanity, is sufficient to support a conviction and as the State must prove every element of the crime charged 'beyond a reasonable doubt,' it follows that this presumption affords such proof. This presumption however may be overthrown. It may be shown on the part of the accused that the criminal intent did not exist at the time the act was committed. This being exceptional is a defense, and like other defenses must be made out by the party claiming the benefit of it. 'The positive existence of that degree and kind of insanity that shall work a dispensation to the prisoner in a case of established homicide is a fact to be proved as it is affirmed by him.' (*State vs. Stark*, 1 Strob., 506.)

"What then is necessary to make out this defense? It surely cannot be sufficient merely to allege insanity to put his sanity 'in issue.' That is merely a pleading, a denial, and ineffectual without proof. In order to make out such defense, as it seems to us, sufficient proof must be shown to overcome in the first place the presumption of sanity and then any other proof that may be offered."

In the case of *State vs. Stickley* (41 Iowa, 232), the court said (syllabus):

"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,"

The appellant's conduct, as appears from the record, being consistent with the acts of an enraged criminal, and it not having been satisfactorily shown that he was of unsound mind at the time he committed the crimes, and the facts charged in each information having been proven, and the penalty imposed being in accordance with the law, the judgments appealed from are affirmed, with costs against the appellant.

Arellano, C. J., Carson and Araullo, JJ., concur.

Moreland, J., concurs in the result.

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