



Republic of the Philippines
SUPREME COURT
 Manila

THIRD DIVISION

PEOPLE OF THE PHILIPPINES,
 Plaintiff-Appellee,

G.R. No. 225599

Present:

- versus -

VELASCO, JR., *J.*, Chairperson,
 BERSAMIN,
 REYES,
 LEONEN,* and
 TIJAM, *JJ.*

CHRISTOPHER MEJARO ROA,
 Accused-Appellant.

Promulgated:

March 22, 2017

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[Signature]

DECISION

VELASCO, JR., *J.*:

The Case

This is an appeal from the Decision¹ promulgated on August 27, 2015, in CA-G.R. CR-H.C. No. 06456, which affirmed accused-appellant's conviction for the offense of murder, punished under Article 248 of the Revised Penal Code, by the Regional Trial Court (RTC), Branch 32, Pili, Camarines Sur, in its Decision in Criminal Case No. P-4100, promulgated on September 3, 2013.

The present case stems from an Information filed against accused-appellant Christopher Mejaro Roa (Roa) on June 5, 2007, charging him for the murder of Eliseo Delmiguez (Delmiguez), committed as follows:

That on or about 16 March 2007 at around 3:30 in the afternoon at Barangay San Miguel, Municipality of Bula, Province of Camarines Sur, Philippines, and within the jurisdiction of this Court, the above-named accused, with intent to kill and without justifiable cause, did then and there willfully, unlawfully, and feloniously attack, assault, and stab Eliseo Delmiguez with the use of a bladed weapon, locally known as "ginunting," hitting and injuring the body of the latter, inflicting multiple mortal hack wound[s] thereon, which were the immediate and direct cause

* Additional member per Raffle dated March 20, 2017.

¹ Penned by Associate Justice Stephen C. Cruz and concurred in by Associate Justices Jose C. Reyes Jr. and Eduardo B. Peralta Jr.

[Signature]

of his instantaneous death, to the damage and prejudice of the heirs of the victim in such amount that may be proven in court.

That the killing was committed 1) with treachery, as the qualifying circumstance or which qualified the killing to murder, and 2) [w]ith taking advantage of superior strength, as aggravating circumstance.²

The Facts


The facts surrounding the incident, as succinctly put by the RTC, are as follows:

A resident of Brgy. San Miguel, Bula, Camarines Sur, accused [Roa] is known to have suffered mental disorder prior to his commission of the crime charged. While his uncle, Issac [Mejaro], attributes said condition to an incident in the year 2000 when accused was reportedly struck in the head by some teenagers, SPO1 [Nelson] Ballebar claimed to have learned from others and the mother of the accused that the ailment is due to his use of illegal drugs when he was working in Manila. When accused returned from Manila in 2001, Issac recalled that, in marked contrast to the silent and formal deportment with which he normally associated his nephew, the latter became talkative and was observed to be “always talking to himself” and “complaining of a headache.”

On September 27, 2001, accused had a psychotic episode and was brought to the [Don Susano J. Rodriguez Mental Hospital] DSJRM by his mother and Mrs. Sombrero. Per the October 10, 2005 certification issued by Dr. Benedicto Aguirre, accused consulted and underwent treatment for schizophrenia at the [Bicol Medical Center] BMC in the years 2001, 2002, 2003, 2004, and 2005. In her Psychiatric Evaluation Report, Dr. [Edessa Padre-]Laguidao also stated that accused was prescribed antipsychotic medication which he was, however, not able to continue taking due to financial constraints. Edgar [Sapinoso] and Rico [Ballebar], who knew accused since childhood, admitted hearing about the latter’s mental health issues and/or his treatment therefor. Throughout the wake of an unnamed aunt sometime in March 2007, it was likewise disclosed by Issac that accused neither slept nor ate and was known to have walked by himself all the way to Bagumbayan, Bula.

On March 16, 2007, Issac claimed that accused was unusually silent, refused to take a bath and even quarreled with his mother when prompted to do so. At about 3:30 p.m. of the same day, it appears that Eliseo, then 50 years old, was walking with Edgar on the street in front of the store of Marieta Ballecer at Zone 3, San Miguel, Bula, Camarines Sur. From a distance of about 3 meters, the pair was spotted by Rico who, while waiting for someone at the roadside, also saw accused sitting on the sidecar of a trimobile parked nearby. When Eliseo passed by the trimobile, he was approached from behind by accused who suddenly stabbed him on the left lower back with a bolo locally known as *ginunting* of an approximate length of 8 to 12 inches. Taken aback, Eliseo exclaimed “*Tara man,*” before falling to the ground. Chased by both Edgar and Rico and spotted running by Mrs. Sombrero who went out of the Barangay Hall upon hearing the resultant din, accused immediately fled and took refuge inside the house of his uncle, Camilo Mejaro.

² CA rollo, p. 44.



With the incident already attracting people's attention, Barangay Captain Herminion Ballebar called for police assistance even as Isaac tried to appease Eliseo's relatives. Entering Camilo's house, Isaac saw accused who said nothing when queried about what he did. Shortly thereafter, SPO1 Hermilando Manzano arrived on board a motorcycle with SPO1 Ballebar who called on accused to surrender. Upon his voluntary surrender and turn over of the jungle knife he was holding to the police officers, accused was brought to the Bula Municipal Police Station for investigation and detention. In the meantime, Eliseo was brought to the Bula Municipal Health Center where he was pronounced dead on arrival and, after the necropsy examination, later certified by Dr. Consolacion to have died of *Hypovolemia secondary to multiple stab wounds*.³ (citations omitted)

When arraigned, accused-appellant pleaded "not guilty," but in the certificate of arraignment, he signed his name as "Amado M. Tetangco." Trial on the merits ensued. There was no contest over the fact that accused-appellant, indeed, stabbed the victim, but he interposed the defense of insanity.

The Ruling of the RTC

In its Decision promulgated on September 3, 2013, the RTC of Pili, Camarines Sur found that accused-appellant is guilty of the offense of Murder. The RTC ruled that the defense of insanity was not sufficiently proven as to exculpate accused-appellant from the offense charged. The RTC noted that as an exempting circumstance, insanity presupposes that the accused was completely deprived of reason or discernment and freedom of will at the time of the commission of the crime. Thus, the RTC said, the accused must be shown to be deprived of reason or that he acted without the least discernment because there is a complete absence of the power to discern, or that there is a total deprivation of the will. It is the accused who pleads the exempting circumstance of insanity that has the burden of proving the same with clear and convincing evidence. This entails, the RTC added, opinion testimony which may be given by a witness who has rational basis to conclude that the accused was insane based on the witness' own perception of the accused, or by a witness who is qualified as an expert, such as a psychiatrist.⁴

In the case of accused-appellant, the RTC ruled, he failed to discharge the burden of proving the claim of insanity. *First*, while Isaac Mejaro's testimony was able to sufficiently prove that accused-appellant started having mental health issues as early as 2001, the trial court ruled that his past medical history does not suffice to support a finding that he was likewise insane at the time that he perpetrated the killing of Delmiguez in 2007. To the trial court, the lack of showing of any psychotic incidents from the time of his discharge in 2002 until March 2007 suggests that his insanity is only occasional or intermittent and, thus, precludes the presumption of

³ Id. at 45-47.

⁴ Id. at 49.

continuity.⁵

Second, the trial court acknowledged that accused-appellant exhibited abnormal behavior after the incident, particularly in writing the name of Amado M. Tetangco in his certificate of arraignment. It also noted that midway through the presentation of the prosecution's evidence, accused-appellant's mental condition worsened, prompting his counsel to file another motion for psychiatric evaluation and treatment, and that he was subsequently diagnosed again to be suffering from schizophrenia of an undifferentiated type. The trial court, however, cited the rule that the evidence of insanity after the fact of commission of the offense may be accorded weight only if there is also proof of abnormal behavior immediately before or simultaneous to the commission of the crime. The trial court then ruled that the witnesses' account of the incident provides no clue regarding the state of mind of the accused, and all that was established was that he approached Delmiguez from behind and stabbed him on his lower back. To the trial court, this actuation of the accused, together with his immediate flight and subsequent surrender to the police authorities, is not indicative of insanity.

Finally, while the accused was reputed to be "crazy" in his community, the trial court ruled that such is of little consequence to his cause. It said:

The popular conception of the word "crazy" is to describe a person or act that is unnatural or out of the ordinary. A man may, therefore, behave in a crazy manner but it does not necessarily or conclusively prove that he is legally so. The legal standard requires that the accused must be so insane as to be incapable of entertaining a criminal intent.⁶

Hence, the RTC found accused-appellant guilty of the crime of murder, and sentenced him as follows:


WHEREFORE, premises considered, judgment is rendered finding accused Christopher Mejaro Roa **GUILTY** beyond reasonable doubt of the crime of Murder defined and penalized under Article 248 of the Revised Penal Code, and imposing upon him the penalty of *reclusion perpetua*.

Accused is ordered to pay the Heirs of Eliseo Delmiguez the following sums: (1) P75,000.00 as civil indemnity for the death of said victim; (b) P50,000.00 as moral damages; and (c) P30,000.00 as exemplary damages.

Aggrieved, accused-appellant appealed his conviction to the CA.

⁵ Id.

⁶ Id. at 51.



The Ruling of the CA

In its presently assailed Decision, the CA affirmed the finding of conviction by the trial court. The CA first noted that all the elements of the crime of murder had been sufficiently established by the evidence on record. On the other hand, the defense of insanity was not sufficiently proven by clear and convincing evidence. The CA said:

Record shows that the accused-appellant has miserably failed to prove that he was insane when he fatally stabbed the victim on March 16, 2007. To prove his defense, accused-appellant's witnesses including Dr. Edessa Padre-Laguidao testified that they knew him to be insane because he was brought and confined to the Bicol Medical Center, Department of Psychiatry for treatment in the year 2001. However, such fact does not necessarily follow that he still suffered from *schizophrenia* during the time he fatally attacked and stabbed the victim, Eliseo Delmiguez. No convincing evidence was presented by the defense to show that he was not in his right mind, or that he had acted under the influence of a sudden attack of insanity, or that he had generally been regarded as insane around the time of the commission of the acts attributed to him.

An inquiry into the mental state of the accused should relate to the period immediately before or at the very moment the act under prosecution was committed. Mere prior confinement in a mental institution does not prove that a person was deprived of reason at the time the crime was committed. It must be noted that accused-appellant was discharged from the mental hospital in 2002, or long before he committed the crime charged. He who relies on such plea of insanity (proved at another time) must prove its existence also at the time of the commission of the offense. This, accused-appellant failed to do.⁷ (citations omitted)

Moreover, the CA ruled that the testimonies of the defense witnesses that purport to support the claim of insanity are based on assumptions, and are too speculative, presumptive, and conjectural to be convincing. To the CA, their observation that accused-appellant exhibited unusual behavior is not sufficient proof of his insanity, because not every aberration of the mind or mental deficiency constitutes insanity.⁸ On the contrary, the CA found that the circumstances of the attack bear *indicia* that the killing was done voluntarily, to wit: (1) the use of a long bolo locally known as *ginunting*, (2) the location of the stab wounds, (3) the attempt of accused-appellant to flee from the scene of the crime, and (4) his subsequent surrender upon being called by the police authorities.

Thus, the CA dismissed the claim of insanity, and affirmed the conviction of the RTC for the offense charged. The CA merely modified the award of damages, and dispositively held, thus:

WHEREFORE, in view of the foregoing, the Judgment dated September 3, 2013 of the Regional Trial Court of Pili, Camarines Sur, Branch 32, is hereby **AFFIRMED with MODIFICATION**. Accused-

⁷ *Rollo*, pp. 16-17.

⁸ *Id.* at 18.

appellant Christopher Mejaro Roa is found **GUILTY** beyond reasonable doubt of Murder as defined in Article 248 of the Revised Penal Code, and he is sentenced to suffer the penalty of *Reclusion Perpetua*. Accused-appellant is **ORDERED** to pay the heirs of the victim, Eliseo Delmiguez, the amount of: (1) ₱75,000.00 as civil indemnity for the death of the said victim, (b) ₱50,000.00 as moral damages, and (c) ₱30,000.00 as exemplary damages as provided by the Civil Code in line with recent jurisprudence, with costs. In addition, all awards for damages shall bear legal interest at the rate of six [percent] (6%) per annum from the date of finality of judgment until fully paid.⁹

Aggrieved by the ruling of the CA, accused-appellant elevated the case before this Court by way of a Notice of Appeal.¹⁰

The Issue

The sole issue presented in the case before the Court is: whether there is sufficient evidence to uphold the conviction of accused-appellant for the offense of Murder, punishable under Article 248 of the Revised Penal Code. However, there being no contest that accused-appellant perpetrated the stabbing of the victim, which caused the latter's death, the resolution of the present issue hinges on the pleaded defense of insanity.

The Court's Ruling

The Court finds no reversible error in the findings of fact and law by the CA. Hence, the assailed Decision affirming the conviction of accused-appellant for murder must be upheld.

Insanity as an exempting circumstance is provided for in Article 12, par. 1 of the Revised Penal Code:

Article 12. *Circumstances which exempt from criminal liability.* - The following are exempt from criminal liability:

1. An imbecile or an insane person, unless the latter has acted during a lucid interval.

When the imbecile or an insane person has committed an act which the law defines as a felony (*delito*), the court shall order his confinement in one of the hospitals or asylums established for persons thus afflicted, which he shall not be permitted to leave without first obtaining the permission of the same court.

In *People v. Fernando Madarang*,¹¹ the Court had the opportunity to discuss the nature of the defense of insanity as an exempting circumstance. The Court there said:

In all civilized nations, an act done by a person in a state of

⁹ Id. at 23-24.

¹⁰ CA *rollo*, p. 109.

¹¹ G.R. No. 132319, May 12, 2000, 332 SCRA 99.

insanity cannot be punished as an offense. The insanity defense is rooted on the basic moral assumption of criminal law. Man is naturally endowed with the faculties of understanding and free will. The consent of the will is that which renders human actions laudable or culpable. Hence, where there is a defect of the understanding, there can be no free act of the will. An insane accused is not morally blameworthy and should not be legally punished. No purpose of criminal law is served by punishing an insane accused because by reason of his mental state, he would have no control over his behavior and cannot be deterred from similar behavior in the future.

x x x x

In the Philippines, the courts have established a more stringent criterion for insanity to be exempting as it is required that there must be a complete deprivation of intelligence in committing the act, i.e., the accused is deprived of reason; he acted without the least discernment because there is a complete absence of the power to discern, or that there is a total deprivation of the will. Mere abnormality of the mental faculties will not exclude imputability.

The issue of insanity is a question of fact for insanity is a condition of the mind, not susceptible of the usual means of proof. As no man can know what is going on in the mind of another, the state or condition of a person's mind can only be measured and judged by his behavior. Establishing the insanity of an accused requires opinion testimony which may be given by a witness who is intimately acquainted with the accused, by a witness who has rational basis to conclude that the accused was insane based on the witness' own perception of the accused, or by a witness who is qualified as an expert, such as a psychiatrist. The testimony or proof of the accused's insanity must relate to the time preceding or coetaneous with the commission of the offense with which he is charged. (citations omitted)

In this jurisdiction, it had been consistently and uniformly held that the plea of insanity is in the nature of confession and avoidance.¹² Hence, the accused is tried on the issue of sanity alone, and if found to be sane, a judgment of conviction is rendered without any trial on the issue of guilt, because the accused had already admitted committing the crime.¹³ This Court had also consistently ruled that for the plea of insanity to prosper, the accused must present clear and convincing evidence to support the claim.

Insanity as an exempting circumstance is not easily available to the accused as a successful defense. It is an exception rather than the rule on the human condition. Anyone who pleads insanity as an exempting circumstance bears the burden of proving it with clear and convincing evidence. The testimony or proof of an accused's insanity must relate to the time immediately preceding or simultaneous with the commission of the offense with which he is charged.¹⁴

¹² *People v. Arnold Garchitorena*, G.R. No. 175605, August 28, 2009, 597 SCRA 420.

¹³ *People v. Madarang*, supra note 11.

¹⁴ *People v. Edwin Isla*, G.R. No. 199875, November 21, 2012, 686 SCRA 267.

In the case at bar, the defense of insanity of accused-appellant Roa was supported by the testimony of the following witnesses: (1) his uncle, Isaac Mejaro (Mejaro), (2) municipal health worker Mrs. Lourdes Padregon Sombrero (Sombrero), and (3) Dr. Edessa Padre-Laguidao (Dr. Laguidao).

Dr. Laguidao testified that in 2001, accused-appellant was admitted at the Bicol Medical Center, and was discharged in 2002. She examined accused-appellant on March 15, 2012 and August 15, 2012. She evaluated his mental condition and found out that his answers to her queries were unresponsive, and yielding a meaningless conversation. She then diagnosed him as having undifferentiated type of Schizophrenia, characterized by manifest illusions and auditory hallucinations which are commanding in nature. She also recommended anti-psychotic drug maintenance.¹⁵

Mejaro testified that accused-appellant's mental illness could be attributed to an incident way back in May 8, 2000, when he was struck on the head by some teenager. After that incident, accused-appellant, who used to be silent and very formal, became very talkative and always talked to himself and complained of headaches. On September 27, 2001, accused-appellant had a psychotic episode, prompting his mother to confine him at Don Suzano Rodriguez Mental Hospital (DSRMH). He was observed to be well after his confinement. The illness recurred, however, when he failed to maintain his medications. The symptoms became worse in March 2007, when his aunt died. He neither slept nor ate, and kept walking by himself in the morning until evening. He did not want to take a bath, and even quarreled with his mother when told to do so.¹⁶

The foregoing testimonies must be examined in light of the quantum of proof required, which is that of clear and convincing evidence to prove that the insanity existed immediately preceding or simultaneous to the commission of the offense.

Taken against this standard, the testimonies presented by accused-appellant unfortunately fail to pass muster. *First*, the testimony of Dr. Laguidao to the effect that accused-appellant was suffering from undifferentiated schizophrenia stems from her psychiatric evaluation of the accused in 2012, or about five years after the crime was committed. His mental condition five years after the crime was committed is irrelevant for purposes of determining whether he was also insane when he committed the offense. While it may be said that the 2012 diagnosis of Dr. Laguidao must be taken with her testimony that the accused was also diagnosed with schizophrenia in 2001, it is worth noting that the testimony of Dr. Laguidao as to the 2001 diagnosis of the accused is pure hearsay, as she had no personal participation in such diagnosis. Even assuming that that portion of her testimony is admissible, and even assuming that it is credible, her testimony merely provides basis for accused-appellant's mental condition in

¹⁵ CA rollo, p. 32.

¹⁶ Id. at 6-7.

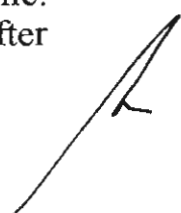
2001 and in 2012, and not immediately prior to or simultaneous to the commission of the offense in 2007.

Second, the testimony of Mejaro also cannot be used as a basis to find that accused-appellant was insane during the commission of the offense in 2007. His testimony merely demonstrated the possible underlying reasons behind accused-appellant's mental condition, but similar to Dr. Laguidao's testimony, it failed to shed light on accused-appellant's mental condition immediately prior to, during, and immediately after accused-appellant stabbed the victim without any apparent provocation.

Accused-appellant further argues that the presumption of sanity must not be applied in his case, because of the rule that a person who has been committed to a hospital or to an asylum for the insane is presumed to continue to be insane. In this case, however, it is noteworthy that while accused-appellant was confined in a mental institution in 2001, he was properly discharged therefrom in 2002. This proper discharge from his confinement clearly indicates an improvement in his mental condition; otherwise, his doctors would not have allowed his discharge from confinement. Absent any contrary evidence, then, the presumption of sanity resumes and must prevail.

In fine, therefore, the defense failed to present any convincing evidence of accused-appellant's mental condition when he committed the crime in March 2007. While there is evidence on record of his mental condition in 2001 and in 2012, the dates of these two diagnoses are too far away from the date of the commission of the offense in 2007, as to altogether preclude the possibility that accused-appellant was conscious of his actions in 2007. Absent any supporting evidence, this Court cannot sweepingly conclude that accused-appellant was mentally insane for the whole 11-year period from 2001 to 2012, as to exempt him criminal liability for an act committed in 2007. It was the defense's duty to fill in the gap in accused-appellant's state of mind between the 2001 diagnosis and the 2012 diagnosis, and unfortunately, it failed to introduce evidence to paint a full picture of accused-appellant's mental condition when he committed the crime in 2007. With that, the Court has no other option but to adhere to the presumption of sanity, and conclude that when accused-appellant attacked the victim, he was conscious of what he was doing, and was not suffering from an insanity.

This conclusion is based not merely on the presumption of sanity, but bolstered by the circumstances surrounding the incident. As the prosecution correctly argued in its Appellee's Brief, there are circumstances surrounding the incident that negate a complete absence of intelligence on the part of accused-appellant when he attacked the victim. *First*, he surprised the victim when he attacked from behind. This is supported by the companion of the victim, who testified that while they were walking, they did not notice any danger when they saw accused-appellant standing near the trimobile. *Second*, accused-appellant's attempt to flee from the scene of the crime after



stabbing the victim indicates that he knew that what he just committed was wrong. And *third*, when the police officers called out to accused-appellant to surrender, he voluntarily came out of the house where he was hiding and voluntarily turned himself over to them.

The foregoing actions of accused-appellant immediately before, during, and immediately after he committed the offense indicate that he was conscious of his actions, that he intentionally committed the act of stabbing, knowing the natural consequence of such act, and finally, that such act of stabbing is a morally reprehensible wrong. His actions and reactions immediately preceding and succeeding the act of stabbing are similar if not the same as that expected of a fully sane person.

Therefore, the Court finds no reasonable basis to reverse the findings of the RTC, as affirmed by the CA, that accused-appellant's culpability had been proven beyond a reasonable doubt.

As to the award of damages, however, the Court finds the need to modify the same, in line with the rule enunciated in *People v. Jugueta*, where the Court laid down the rule that in cases where the imposable penalty is *reclusion perpetua*, the proper amounts of awarded damages should be ₱75,000 as civil indemnity, ₱75,000 as moral damages and ₱75,000 as exemplary damages, regardless of the number of qualifying aggravating circumstances present.

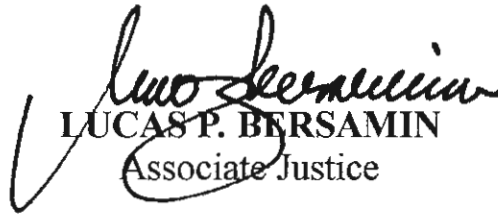
IN VIEW OF THE FOREGOING, the instant appeal is hereby **DISMISSED**. The assailed Decision of the Court of Appeals, promulgated on August 27, 2015, in CA-G.R. CR-H.C. No. 06456, is hereby **AFFIRMED** with **MODIFICATION**. As modified, the *fallo* of the Decision must read:

WHEREFORE, in view of the foregoing, the Judgment dated September 3, 2013 of the Regional Trial Court of Pili, Camarines Sur, Branch 32, is hereby **AFFIRMED with MODIFICATION**. Accused-appellant Christopher Mejaro Roa is found **GUILTY** beyond reasonable doubt of Murder as defined in Article 248 of the Revised Penal Code, and he is sentenced to suffer the penalty of *Reclusion Perpetua*. Accused-appellant is **ORDERED** to pay the heirs of the victim, Eliseo Delmiguez, the amount of: (1) ₱75,000.00 as civil indemnity for the death of the said victim, (b) **₱75,000.00** as moral damages, and (c) **₱75,000.00** as exemplary damages as provided by the Civil Code in line with recent jurisprudence, with costs. In addition, all awards for damages shall bear legal interest at the rate of six percent (6%) per annum from the date of finality of judgment until fully paid.

SO ORDERED.

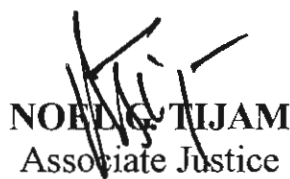

PRESBITERO J. VELASCO, JR.
Associate Justice

WE CONCUR:


LUCAS P. BERSAMIN
 Associate Justice

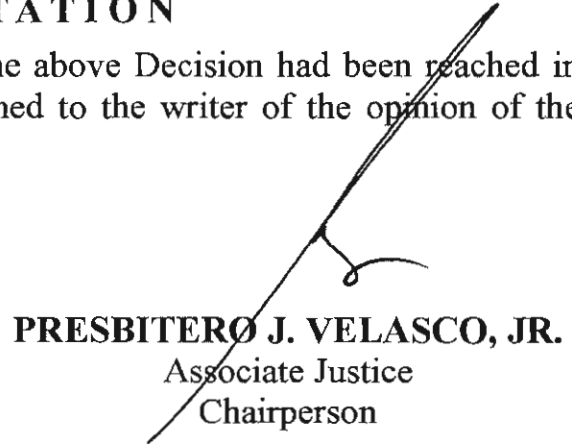

BIENVENIDO L. REYES
 Associate Justice


MARVIC M.V.F. LEONEN
 Associate Justice


NOEL G. TIJAM
 Associate Justice

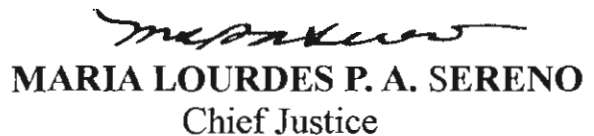
ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


PRESBITERO J. VELASCO, JR.
 Associate Justice
 Chairperson

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


MARIA LOURDES P. A. SERENO
 Chief Justice

