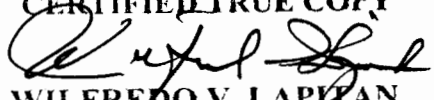




Republic of the Philippines
Supreme Court
 Baguio City

CERTIFIED TRUE COPY

WILFREDO V. LAPITAN
 Division Clerk of Court
 Third Division
 MAY 25 2018

THIRD DIVISION

PEOPLE OF THE PHILIPPINES,
 Plaintiff-Appellee,

G.R. No. 219113

Present:

VELASCO, JR., J.,
Chairperson,

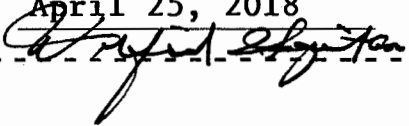
BERSAMIN,
 LEONEN,
 MARTIRES, and
 GESMUNDO, JJ.

- versus -

ROLAND MIRAÑA Y ALCARAZ,
 Accused-Appellant.

Promulgated:

April 25, 2018



X ----- X

DECISION

MARTIRES, J.:

On automatic review before this Court is the 7 August 2014 Decision¹ rendered by the Court of Appeals (CA) in CA-G.R. CR.-H.C. No. 06183, which affirmed the 11 April 2013 Decision² of the Regional Trial Court, Branch 30 (RTC), of San Jose, Camarines Sur, in Criminal Case No. T-3231 finding accused-appellant Roland Miraña y Alcaraz (*accused-appellant*) guilty beyond reasonable doubt of the crime of Murder and thereby sentencing him to reclusion perpetua.

Accused-appellant was charged in an Information³ which reads as follows:



¹ Rollo, pp. 2-13; penned by Associate Justice Florito S. Macalino, with Associate Justices Sesinando E. Villon and Leoncia R. Dimagiba, concurring.
² CA rollo, pp. 49-57; penned by Presiding Judge Noel D. Paulite.
³ Records, p. 1.

That on or about the 17th day of June 2008 at around 6:30 o'clock in the morning in Barangay San Ramon, Municipality of Lagonoy, Province of Camarines Sur, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, while armed with a bolo, with intent to kill and with abuse of superior strength, did then and there, wilfully, unlawfully and feloniously attack, assault, stab and hack one Dominga Agnas Vda. De Globo, a seventy-three year old woman, on the different parts of her body, resulting [in] her death to the prejudice of her heirs.

The crime is committed with the attendant qualifying circumstance of abuse of superior strength.

When arraigned on 21 January 2009, accused-appellant entered a plea of not guilty. In view of accused-appellant's admission that he caused the victim's death, a reverse trial ensued.⁴

Version of the Prosecution

Dominga Agnas Vda. de Globo (*the victim*) was a 73-year-old widow and resident of Barangay San Ramon, Lagonoy, Camarines Sur. She was also known as "May Inggay" by her relatives and neighbors. She lived on her own but prior to her death, she frequently slept at the house of Alberto Miraña (*Alberto*), her first cousin, because accused-appellant had been harassing her, such as by throwing stones at her. The victim believed that accused-appellant was threatening her because she once reprimanded him after she caught him stealing fruits from her property.⁵

On 16 June 2008, when Alberto returned home from attending a fiesta, he found the victim in his house, trembling while praying. She told Alberto that she was scared because accused-appellant had chased her with a bolo. Alberto invited her to sleep in his house and advised her to report the incident to the barangay. The victim, however, rejected the idea because accused-appellant was her relative. Thereafter, the victim left Alberto's house and proceeded to her brother's house. After relating the incident to her brother, she was once again advised not to go back to her house and to report the incident to the barangay. Unfortunately, the victim did not heed the advice. She then returned to her house to await the call of her son, who was working abroad.⁶

Between 6 o'clock to 6:30 in the morning of 17 June 2008, Armando Orce (*Armando*), the victim's neighbor, was at the coconut plantation near his house when he heard a woman cry out followed by a loud cry of a man. Believing that the sounds emanated from his house, Armando

⁴ Records, pp. 124-125.

⁵ TSN, 24 April 2012, pp. 2-5.

⁶ Id.

immediately ran in that direction. As he came near his house, he saw a woman lying on her side on the ground in front of the door to his house. Armando recognized the woman as the victim. He also saw accused-appellant's father crying at the back of their house facing the accused-appellant.⁷

PO3 Bobby Corono (*PO3 Corono*), together with two (2) other police officers, responded to a call about the incident. Upon arrival at the place of the incident, PO3 Corono saw the body of the victim lying on the ground. Accused-appellant approached PO3 Corono and admitted he was responsible for the victim's death. He then pointed to a bolo and said that he used it to hack the victim and washed it afterward. PO3 Corono thereafter arrested accused-appellant and brought him to the police station along with the bolo as evidence.⁸

Ramiro⁹ Globo¹⁰ (*Ramiro*), the victim's son, flew back to the Philippines when he found out about his mother's death. He visited the mental hospital where accused-appellant was committed. When asked what he did to Ramiro's mother, accused-appellant replied that he killed her.

Accused-appellant was initially charged with homicide but, upon a Motion to Remand Case to Prosecution Office for Reinvestigation, the information for homicide was withdrawn. The Office of the Provincial Prosecutor of Camarines Sur issued a resolution which ordered that a new information for murder be filed against accused-appellant.

On 20 June 2008, an order for the immediate transfer of the accused to the Bicol Medical Center Mental Hospital was issued based on the report that he was being violent to himself and to others at the jail.

Version of the Defense

In the morning of 17 June 2008, Imelda Miraña (*Imelda*) found out that her son, accused-appellant, had killed the victim.

Imelda did not know of any personal enmity between accused-appellant and the victim prior to the incident. She noticed, however, that her son started exhibiting odd behavior after the latter's nose was bitten by a cousin. Accused-appellant would smile without anyone in front of him; he would call a chicken late at night; and would keep on saying to himself that

⁷ TSN, 15 February 2012, pp. 4-10.

⁸ TSN, 25 July 2012, pp. 2-5.

⁹ Appears as "Ramero" in some portions of the Records.

¹⁰ Appears as "Glovo" in some portions of the Records.

the victim was a witch. After the incident, she observed that accused-appellant just sat inside their house, staring blankly.¹¹

A few nights before the incident, Mercy Delfino (*Mercy*), accused-appellant's sister, noticed that her brother kept smiling and could not sleep, and kept on saying that the victim was a witch. He even claimed that he saw the witch in their own backyard.¹²

During trial, accused-appellant claimed not to know or recall the events surrounding the incident, the identity of the victim, and his confinement and treatment at the mental hospital.¹³

The RTC Ruling

The RTC ruled that accused-appellant was not able to prove his defense of insanity, holding that “while the purported behavior of accused-appellant would suggest an abnormal mental condition, it cannot however be equated with a total deprivation of will or an absence of the power to discern, to accept insanity.” It thereafter appreciated the aggravating circumstance of abuse of superior strength to qualify the crime to murder, in consideration of the fact that the victim was a 73-year-old unarmed woman as against a male assailant in his early twenties. The dispositive portion of its decision reads as follows:

WHEREFORE, in view of all the foregoing, this Court finds accused Roland Miraña y Alcaraz GUILTY beyond reasonable doubt of the crime of Murder under Article 248 of the Revised Penal Code, and he is hereby sentenced to suffer the penalty of imprisonment [sic] of Reclusion Perpetua. Likewise, accused is hereby ordered to pay the surviving heir of the victim the amount of ₱75,000.00 for the civil indemnity, ₱75,000.00 for moral damages, ₱73,397.95 as actual damages as evidenced by the receipts, and ₱30,000.00 as exemplary damages.

In addition, pursuant to prevailing circumstances, interest at the rate of six percent (6%) per annum shall be imposed on all damages awarded from the date of the finality of the judgment until fully paid (People vs. Cabungan, G.R. No. 189355, January 23, 2013).

The accused having been under preventive imprisonment he is entitled to the full credit of his confinement if he abide of [sic] the rules and regulations imposed therein otherwise he shall only be entitled to four-fifth [sic] while serving under preventive detention pending trial of this case.

Accused-appellant appealed before the CA.



¹¹ TSN, 9 December 2009, pp. 3-6.

¹² TSN, 10 November 2009, pp. 2-5.

¹³ TSN, 17 August 2010, pp. 2-5.

The CA Ruling

The CA affirmed the conviction of the accused-appellant, with modification as to the award of damages. The dispositive portion of its decision reads as follows:

WHEREFORE, premises considered, the instant Appeal is hereby DENIED. Accordingly, the 11 April 2013 Judgment of the Regional Trial Court of San Jose, Camarines Sur, Branch 30 in Criminal Case No. T-3231 is AFFIRMED with MODIFICATION. Accused-appellant is sentenced to suffer the penalty of reclusion perpetua without eligibility for parole. In addition to other damages awarded by the trial court, Accused-Appellant is ordered to pay moral damages in the reduced amount of ₱50,000.00.

The CA agreed with the RTC that accused-appellant failed to overcome the presumption of sanity; and his bizarre acts prior to the incident cannot be considered insanity for the purpose of exonerating him because not every aberration of the mind constitutes insanity.

Hence, this appeal.

ISSUE

WHETHER OR NOT INSANITY COULD BE APPRECIATED IN ACCUSED-APPELLANT'S FAVOR IN ORDER TO EXCULPATE HIM FROM CRIMINAL LIABILITY.

THE COURT'S RULING

The Court finds no reason to disturb the judgment of the Court of Appeals in the matter of accused-appellant's insanity, but finds that he should only be liable for homicide.

The defense failed to prove accused-appellant's insanity at the time of the commission of the crime.

The defense of insanity is in the nature of a confession or avoidance because an accused invoking it admits to have committed the crime but claims that he should not be criminally liable therefor because of insanity, which is an exempting circumstance.¹⁴ Consequently, the accused is tried on

¹⁴ *People v. Tison*, 636 Phil. 521, 530-531 (2010).

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.¹⁵

However, an accused invoking the exempting circumstance of insanity bears the burden of proving it with clear and convincing evidence¹⁶ because every person is presumed sane.¹⁷

For the defense of insanity to prosper, it must be proven that the accused was completely deprived of intelligence,¹⁸ which must relate to the time immediately preceding or simultaneous to the commission of the offense with which he is charged.¹⁹

Since the state of a person's mind can only be judged by his behaviour, establishing the insanity of an accused requires opinion testimony which may be given by a witness who is intimately acquainted with the accused, or who has rational basis to conclude that the accused was insane based on the witness' own perception of the accused, or who is qualified as an expert, such as a psychiatrist.²⁰

Taken against the standard of clear and convincing evidence, the proof proffered by the defense fails to pass muster.

The defense argues that the exempting circumstance of insanity has been sufficiently proven through the testimonies of Imelda and Mercy, accused-appellant's mother and sister, respectively, as well as the testimony of Dr. Imelda C. Escudera (*Dr. Escudera*), a psychiatrist.

Imelda and Mercy testified that accused-appellant believed that the victim was a witch and that in the days prior to the incident, accused-appellant was behaving oddly, such as smiling to himself and calling a chicken late at night. Their testimonies, however, fail to shed light on accused-appellant's mental condition immediately before, during, and immediately after he committed the crime.

Moreover, unusual behaviors such as smiling to oneself and calling a chicken late at night are not proof of a complete absence of intelligence,

¹⁵ *People v. Roa*, G.R. No. 225599, 22 March 2017.

¹⁶ *Id.*

¹⁷ Article 800, Civil Code of the Philippines.

¹⁸ *People v. Madarang*, 387 Phil. 846, 859 (2000), where the Court held that "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."

¹⁹ *Id.*

²⁰ *Id.*

because not every aberration of the mind or mental deficiency constitutes insanity.²¹ The Court has held that “the prevalent meaning of the word ‘crazy’ is not synonymous with the legal terms ‘insane,’ ‘*non compos mentis*,’ ‘unsound mind,’ ‘idiot,’ or ‘lunatic.’ The popular conception of the word ‘crazy’ is being used to describe a person or an act unnatural or out of the ordinary. A man may behave in a crazy manner but it does not necessarily and conclusively prove that he is legally so.”²² In order to be exempt from criminal liability, the accused must be so insane as to be incapable of criminal intent.²³

The defense also argues that Dr. Escudera’s testimony during the hearing to determine accused-appellant’s fitness to stand trial sufficiently points to his insanity at the time he committed the crime. Dr. Escudera testified she conducted a psychiatric interview with accused-appellant on 21 July 2009, and that her findings, embodied in a Mental Status Examination Report, showed she deemed accused-appellant fit for trial; and that accused-appellant had a history of mental illness, which she identified as schizophrenia.²⁴

At the outset, it must be pointed out that Dr. Escudera’s testimony was presented primarily to prove that accused-appellant was already fit to stand trial. In fact, she was not the one who conducted the initial examination on accused-appellant upon the latter’s commitment to a mental hospital. The one who did so, a Dr. Chona Belmonte (*Dr. Belmonte*), was not presented as witness. More importantly, Dr. Escudera’s testimony on accused-appellant’s previous mental illness does not specifically pertain to the time of the commission of the crime. Even her medical report on accused-appellant’s mental status, for the purpose of determining his fitness to stand trial, is bereft of any indication that he was completely deprived of intelligence or discernment at the time he mortally hacked the victim.

Vague references to his history of mental illness and subsequent diagnosis of schizophrenia do not satisfy the quantum of proof required to exempt accused-appellant from criminal liability, especially since the defense failed to establish that accused-appellant’s mental ailments, if such was the case, related to the time of the commission of the crime.

Accused-appellant’s actuations immediately after the incident also negate a complete absence of intelligence or discernment when he killed the victim. As testified to by PO3 Corono, accused-appellant approached the police officers when they arrived at the crime scene, told them that he was responsible for hacking the victim, pointed to the bolo he used, and indicated

²¹ *People v. Florendo*, 459 Phil. 470, 479 (2003).

²² *Id.*

²³ *People v. Antonio, Jr.*, 441 Phil. 425, 429 (2002).

²⁴ TSN, 4 August 2009, pp. 4-7.

that he had already washed the weapon.²⁵ That accused-appellant had the foresight to wash the bolo after killing the victim and, thereafter, the consciousness to decide to confess to the authorities what he had done upon their arrival, suggest that accused-appellant was capable of discernment during the time of the incident.

It is clear from the foregoing circumstances that the defense failed to prove accused-appellant's insanity at the time of the commission of the crime with the requisite quantum of proof. Consequently, accused-appellant's conviction must be upheld.

Abuse of superior strength cannot be appreciated, such that accused-appellant can only be held liable for homicide, not murder.

This Court finds that the conviction of the accused-appellant for murder is flawed because of the erroneous appreciation of abuse of superior strength as a qualifying circumstance. The Court finds that the presence of this circumstance in the commission of the crime was not sufficiently proven.

In concluding that such circumstance existed, both the RTC and the CA primarily took into account the gender and age of the victim, a 73-year-old female, and the accused-appellant, a male in his early twenties. The Court finds that this is insufficient to conclude the presence of abuse of superior strength.

It has been stressed that for abuse of superior strength to be properly appreciated as a qualifying circumstance, it must be shown that the advantage of superior strength was purposely and consciously sought by the assailant, viz:

Abuse of superior strength is present whenever there is a notorious inequality of forces between the victim and the aggressor, assuming a situation of superiority of strength notoriously advantageous for the aggressor selected or taken advantage of by him in the commission of the crime. The fact that there were two persons who attacked the victim does not per se establish that the crime was committed with abuse of superior strength, there being no proof of the relative strength of the aggressors and the victims. **The evidence must establish that the assailants purposely sought the advantage, or that they had the deliberate intent to use this advantage. To take advantage of superior strength**

²⁵ TSN, 25 July 2012, p. 4.

means to purposely use excessive force out of proportion to the means of defense available to the person attacked. The appreciation of the aggravating circumstance depends on the age, size, and strength of the parties.²⁶ (emphasis supplied)

In the present case, the prosecution failed to proffer evidence that accused-appellant purposely sought such advantage. The testimonies of the witnesses, on the whole, do not establish that accused-appellant made any conscious effort to use his age, size, or strength to facilitate the commission of the crime, as in fact the notorious disparity of these factors between the victim and the accused-appellant was not even clearly shown.

What is only certain herein is that the accused-appellant killed the victim, and the exempting circumstance of insanity cannot be appreciated in his favor.

In the light of the foregoing, this Court is obliged to rule out abuse of superior strength as a qualifying circumstance. There being no other circumstance alleged and proven to qualify the crime to murder, accused-appellant can only be liable for homicide.

As to the award of damages, there is also a need to modify the same, in conformity with *People v. Jugueta*,²⁷ where the Court laid down the rule that in crimes where the death of the victim resulted and the penalty is divisible, such as in homicide, the damages awarded should be ₱50,000.00 as civil indemnity and ₱50,000.00 as moral damages. This is apart from the proven actual damages, which the trial court found to amount to ₱73,397.95 undisputed by accused-appellant.

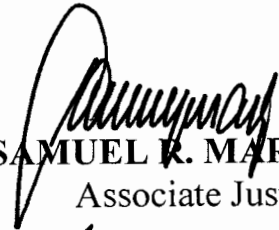
WHEREFORE, the 7 August 2014 Decision of the Court of Appeals in CA-G.R. CR.-H.C. No. 06183 is **AFFIRMED with MODIFICATION** in that accused-appellant Roland Miraña y Alcaraz is found **GUILTY** beyond reasonable doubt of the crime of Homicide under Article 249 of the Revised Penal Code, as amended; and is hereby sentenced to serve the indeterminate penalty of eight (8) years of *prision mayor*, as minimum, to fourteen (14) years, eight (8) months, and one (1) day of *reclusion temporal*, as maximum.

Further, accused-appellant is ordered to pay the heirs of the victim the following amounts: ₱50,000.00 as moral damages, and ₱73,397.95 as actual damages. The award of damages shall earn interest at the rate of six percent (6%) per annum from the date of finality of the judgment until fully paid.

²⁶ *People v. Villanueva*, G.R. No. 226475, 13 March 2017.

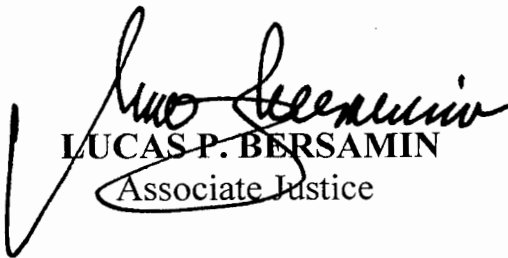
²⁷ 783 Phil. 806 (2016).

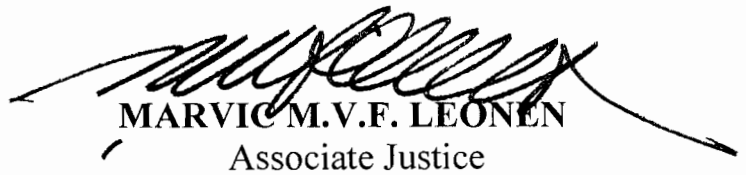
SO ORDERED.

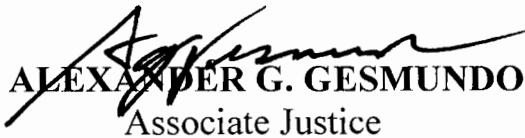

SAMUEL R. MARTIRES
Associate Justice

WE CONCUR:


PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson



LUCAS P. BERSAMIN
Associate Justice


MARVIC M.V.F. LEONEN
Associate Justice


ALEXANDER G. GESMUNDO
Associate Justice

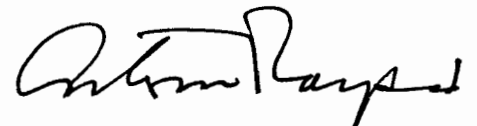
ATTESTATION

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, Third Division

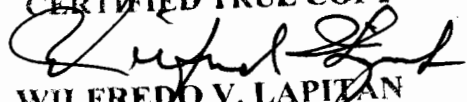
CERTIFICATION

Pursuant to Article VIII, Section 13 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.



ANTONIO T. CARPIO
Acting Chief Justice

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WILFREDO V. LAPIJAN
Division Clerk of Court
Third Division

MAY 25 2018.