

## TWENTIETH DIVISION

[ CA-G.R. CEB-CR HC NO. 01606, May 21, 2014 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. MARIO PADILLA, ACCUSED-APPELLANT.**

### DECISION

**HERNANDO, J:**

Before this Court is an appeal filed by accused-appellant Mario Padilla seeking the reversal of the Judgment<sup>[1]</sup> dated January 10, 2013 of the Regional Trial Court (RTC), Branch 14, of Cebu City finding him guilty beyond reasonable doubt of Serious Illegal Detention in Criminal Case No. CBU-79263.

#### The Antecedents:

A criminal Information was filed against accused-appellant Mario Padilla for the crime of Serious Illegal Detention. He allegedly committed the offense as follows:

That on or about the 1<sup>st</sup> day of May 2006, at about 12:00 P.M., in the City of Cebu, Philippines, and within the jurisdiction of this Honorable Court, the said accused, a private individual, with deliberate intent, did then and there, and by means of force, detain and keep in his custody one RMC,<sup>[2]</sup> a minor, 1 year and 6 months old, or in any other means deprive her of liberty against her will and without legal grounds.

CONTRARY TO LAW.

When the accused-appellant was arraigned, he registered a negative plea of guilt. After pre-trial, trial on the merits ensued.

The facts of the case according to the prosecution are summarized as follows:

On May 1, 2006, Ronilo Cerilla, an inmate of the *Bagong Buhay Rehabilitation Center* (BBRC), was visited by his wife and child (RMC). Wanting to relieve herself, Ronilo's wife left RMC near the isolation room outside the cell where Ronilo was detained. She then informed Ronilo that she was going to the comfort room. Upon her return, she noticed that RMC was missing. Thus, she asked Ronilo where RMC was and then began to look for her. Suddenly, Ronilo heard people shouting and learned that a commotion ensued involving an inmate and the Bureau of Jail Management and Penology (BJMP) personnel. Subsequently, Ronilo's wife came back distressed. She then narrated to Ronilo that their child was taken hostage by accused-appellant.

JO1 Bowyn M. Gono testified that prior to the hostage incident, accused requested that he be allowed to go to the comfort room to answer the call of nature. After

ascertaining the truth thereof, JO1 Gono opened the gate and accused directly went to the comfort room. However, JO1 Gono later learned that accused had already taken RMC as his hostage by holding a knife to her neck. Accused then ordered JO1 Geolmar Fernandez, the duty guard at gate 1, to open the gate for him. A few moments later, JO1 Gono witnessed JO1 Vicente Albacite and JO2 Rey Gala subduing accused and successfully rescuing RMC. JO2 Gala averred that RMC suffered minor injuries on her face and scratches on her neck. Thus, RMC was brought to the infirmary for medical attendance.

Accused does not deny the fact of the occurrence of the hostage incident and his involvement therein. However, he averred that he could not recall what happened since he is suffering from a mental illness. He stressed that all he could remember was being detained and mauled by the BJMP personnel. He only learned the details of the incident from his fellow inmates.

To confirm the mental state of accused, he was referred to Dr. Lynn Rochelle P. Indolos for a psychological evaluation. After conducting an examination of the accused and an interview with his sister, Dr. Indolos diagnosed accused in her July 11, 2011 Report<sup>[3]</sup> as suffering from "Schizophrenia-Mentally Stable". She testified that schizophrenia impairs a person's ability to judge, recall and think. She also alleged that this was akin to insanity.

After trial, the court *a quo* found that accused was indeed guilty of the crime charged as all the elements of serious illegal detention were successfully proven. Anent the defense of insanity, the trial court found that accused carefully planned the hostage incident so that he could abscond from incarceration. It was not convinced that he was fully unaware of his actions during the hostage incident. On the other hand, the trial court observed that accused was very much conscious of what he was doing. Thus, it brushed aside his plea of insanity.

Hence, the current appeal before Us.

### **The Issues:**

The issues set forth in this appeal are (1) whether or not the exempting circumstance of insanity is applicable in the instant case; or in the alternative, (2) accused-appellant's liability should be mitigated because of his mental illness.

### **The Court's Ruling**

*The appeal is bereft of merit.*

In *People v. Fernando Madarang*,<sup>[4]</sup> the Supreme Court ruled that an accused invoking the defense of insanity basically admits the commission of the crime, to wit:

An accused invoking the insanity defense pleads not guilty by reason thereof. He admits committing the crime but claims that he is not guilty because he was insane at the time of its commission. 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 as he had already admitted committing the crime.

Therefore, the only issue left to determine is whether appellant was indeed insane immediately before or simultaneous to the commission of the crime. Concededly, a perusal of the records would reveal that appellant had already exhibited abnormal behavior in the past. His fellow inmate and father of RMC, Ronilo Cerilla, testified<sup>[5]</sup> that appellant was mentally ill since he saw the latter drinking his own urine and acting differently. Nevertheless, it bears stressing that under Article 12(1) of the Revised Penal Code,<sup>[6]</sup> for the accused to be exempt from criminal liability, the crime should have been committed in a state of insanity and not during a lucid interval. Here, appellant utterly failed to establish that he was insane at the time preceding or coetaneous with the commission of the offense with which he is charged. Moreover, there is no substantial evidence proving that appellant was completely deprived of intelligence in committing the act or that he was deprived of reason or acted without the least discernment. Corollarily, Dr. Lynn Rochelle P. Indolos was unable to ascertain the appellant's mental state at the time of the commission of the offense, to wit:<sup>[7]</sup>

Q: So, even if the accused was already suffering from schizophrenia at the time of the incident 2006, it is still possible that the incident occurred when the accused was still mentally stable and was not having a period of schizophrenia?

A: I could not answer that, Your Honor because I was not there during the incident, I could not assess his mental status if he has hallucinations or delusions during that time.

Q: So, for the record doctor you cannot tell this court the mental condition of the accused on May 1, 2006 the date of the incident?

A: Yes, Your Honor.

Q: You can only tell this court of his mental condition after you conducted an examination which was only after July and October 2011?

A: Yes, Your Honor.

Assayed from the foregoing, there is no substantial evidence that appellant was completely deprived of reason or discernment when he took RMC as hostage. Conversely, his acts during the commission of the crime reveal that he was fully cognizant of what he was doing. As aptly observed by the trial court:<sup>[8]</sup>

The testimony of JO1 Gono would further demonstrate to the Court that accused on that day of 01 May 2006 had a clear scheming mind when he executed that act that caused the filing of this case against him. First, to gain access to RMC, he was able to convince JO1 Gono that he wished to be out of his cell to answer the call of nature, so to speak. Next, he took advantage of the situation when JO1 Gono, upon the prodding, nay, encouragement of his fellow guard, took his noontime meal, accused not having come out yet from the comfort where he was supposed to relieve himself, in the process leaving Gate 2 where visitors were already going out and had the audacity in "commanding" the duty gate 1 guard in the person of JO1 Fernandez to open the gate for him. Accused made it sure that he could "command" JO1 Fernandez to open Gate 1 as he was then holding a knife on RMC. He could have successfully of the prison premises if he were not held by several guards resulting on some injuries on RMC.