

# FIRST DIVISION

[ G.R. No. 207397\*, September 24, 2018 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
CARPIO MARZAN Y LUTAN, ACCUSED-APPELLANT**

## DECISION

**DEL CASTILLO, J.:**

On appeal is the March 5, 2012 Decision<sup>[1]</sup> of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 04451 affirming with modification the April 8, 2010 consolidated Decision<sup>[2]</sup> of the Regional Trial Court (RTC) of Camiling, Tarlac, Branch 68 convicting herein accused-appellant Carpio Marzan y Lutan (accused-appellant) of the crime of murder in Criminal Case No. 04-36 and frustrated homicide in Criminal Case No. 04-37.

At the outset, it must be stated that accused-appellant does not deny that he stabbed his brothers Apolonio<sup>[3]</sup> Marzan (Apolonio) and Bernardo Marzan (Bernardo) with a bolo on May 22, 2003 at Camiling, Province of Tarlac. Nonetheless, accused-appellant interposes the defense of insanity.

### ***Factual Antecedents***

Accused-appellant was charged in two separate Informations for murder and frustrated murder the accusatory portions of which read:

#### **Criminal Case No. 04-36**

That on or about [the] 22<sup>nd</sup> day of May, 2003 at around 1:30 o'clock in the afternoon at Bonifacio St., Poblacion 1, Municipality of Camiling, Province of Tarlac, and within the jurisdiction of this Honorable Court, the said accused with treachery and evident [premeditation,] did then and there willfully, unlawfully and feloniously with the use of a bladed weapon, stab to death of [sic] Apolonio Marzan.

Contrary to law.<sup>[4]</sup>

#### **Criminal Case No. 04-37**

That on or about [the] 22<sup>nd</sup> day of May, 2003 at around 1:30 o'clock in the afternoon [in] Municipality of Camiling, Province of Tarlac, Philippines, and within the jurisdiction of this Honorable Court, the said accused, with

intent to kill, treachery and evident premeditation, did then and there willfully, unlawfully and feloniously stab several times Bernardo Marzan with a bladed weapon hitting him on the vital parts of his body, with the accused having performed all the acts or execution which would [produce] the crime of Murder but did not produce it by reason independent of his will.

Contrary to law.<sup>[5]</sup>

When arraigned, accused-appellant entered a plea of not guilty.

### ***Version of the Prosecution***

To prove accused-appellant's guilt, the prosecution presented Bernardo, Erlinda Cabiltes (Erlinda), Lolita Rombaoa (Lolita), and Dr. Valentin Theodore Lumibao (Dr. Lumibao). Their testimonies can be summarized as follows:

On May 22, 2003, at around 1:30 p.m., Erlinda saw accused-appellant enter the house of her bedridden father, Apolonio, while uttering "*agda kalaban ko*" (I have an enemy). Not long after, Erlinda heard her father screaming "*apay Aping?*" (why Aping?) and "*uston Aping!*" (enough Aping) Thereafter, Erlinda saw accused-appellant emerge from her father's house wearing a blood-stained shirt and holding a bladed instrument dripping with blood. Erlinda ran to the *barangay* captain's house to ask for help.

Lolita also saw accused-appellant come out from Apolonio's house holding a blood-stained weapon. Out of fear, however, Lolita hid herself in the comfort room.

Bernardo tried to placate accused-appellant but the latter furiously said, "you are also one of them" and stabbed Bernardo in the stomach.

Dr. Lumibao conducted an autopsy of Apolonio's body. In an Autopsy Report,<sup>[6]</sup> Dr. Lumibao declared that the cause of death was hypovolemic shock secondary to massive internal bleeding due to multiple penetrating stab wounds.

### ***Version of the Accused-Appellant***

The defense claimed that accused-appellant was insane at the time of the incident. To prove accused-appellant's insanity, the defense presented his wife Isabel Marzan (Isabel). Isabel testified that her husband had behavioral problems and suffering from a mental condition. She said that her husband would often appear to be nervous and *tulala*. As regards the stabbing incident, Isabel recounted that, on that fateful day, she saw her husband going back and forth mumbling something. She, together with her mother-in-law and brother-in-law Eduardo Marzan, tried to calm accused-appellant but the latter suddenly ran towards Apolonio's house while holding a bolo and uttering the words, "*kesa ako ang maunahan nila, unahan ko na sila*". According to Isabel, accused-appellant, after stabbing his brothers Apolonio and Bernardo, just sat down and remained *tulala* until the police arrived and handcuffed him.

### ***Ruling of the Regional Trial Court***

The RTC found accused-appellant guilty beyond reasonable doubt of the crime of murder with respect to the killing of Apolonio. However, as to the stabbing of Bernardo, the RTC held that accused-appellant was guilty of frustrated homicide as the attack, albeit without warning, was not deliberate. The dispositive portion of the RTC Decision reads:

WHEREFORE, premises considered, [accused-appellant] is found guilty beyond reasonable doubt of the offense of Murder (Criminal Case No. 04-36) and hereby sentences him to a penalty of Reclusion Perpetua, there being no attendant mitigating nor aggravating circumstances.

In Criminal Case No. 04-37 for Frustrated Murder however, [accused-appellant] is only found guilty beyond reasonable doubt of the lesser offense of Frustrated Homicide and hereby sentences him to an indeterminate prison term of five [5] years of prision correccional as minimum to eight (8) years and one (1) day of prision mayor as maximum, there being no attendant mitigating nor aggravating circumstances.

[Accused-appellant] is likewise ordered to pay the heirs of Apolonio Marzan the amount of P75,000.00 as moral damages, the amount of P75,000.00 as civil indemnity, the amount of P25,000.00 as exemplary damages and the amount of P50,000.00 as temperate damages.

As regards the private complainant [Bernardo], the [accused-appellant] is ordered to pay him the amount of P20,000.00 as temperate damages and the amount of P10,000.00 as moral damages.

SO ORDERED.<sup>[7]</sup>

### ***Ruling of the Court of Appeals***

The CA sustained the RTC in finding accused-appellant guilty beyond reasonable doubt of the crimes of murder and frustrated homicide. Nevertheless, the CA held that the RTC failed to consider the mitigating circumstance of voluntary surrender. Thus, in the herein assailed Decision,<sup>[8]</sup> the CA modified the RTC Decision, viz.:

**WHEREFORE**, premises considered, the assailed Decision dated April 8, 2010 of the Regional Trial Court (RTC) of Camiling, Tarlac, Branch 68 in Criminal Case No. 04-36 is **AFFIRMED** and Criminal Case No. 04-37 is **AFFIRMED with MODIFICATION** as to the penalty imposed in that accused-appellant is hereby sentenced to suffer the indeterminate penalty of [four] 4 years, [two] 2 months and [one] 1 day of *Prision Correccional* as minimum to eight (8) years or *Prision Mayor* as maximum. The rest of the appealed judgment **STANDS**.

**SO ORDERED.**<sup>[9]</sup>

Hence, this appeal.

The Court required<sup>[10]</sup> both parties to file their respective supplementary briefs, but they merely opted to adopt their briefs before the CA.

### **Issues**

In his Brief,<sup>[11]</sup> accused-appellant assigns the following errors:

#### **I**

THE COURT A QUO GRAVELY ERRED IN DISREGARDING THE ACCUSED-APPELLANT'S PLEA OF INSANITY.

#### **II**

THE COURT A QUO GRAVELY ERRED IN TAKING INTO ACCOUNT THE QUALIFYING CIRCUMSTANCE OF TREACHERY.

#### **III.**

THE COURT A QUO GRAVELY ERRED IN FAILING TO APPRECIATE THE MITIGATING CIRCUMSTANCE OF VOLUNTARY SURRENDER.<sup>[12]</sup>

### **Ruling**

The appeal is unmeritorious.

The Court upholds the ruling of the RTC, which was affirmed by the CA, that accused-appellant was not completely deprived of intelligence immediately prior to or at the time of the commission of the crime and that treachery was present. It is settled that factual findings of the trial court, especially when affirmed by the appellate court, are entitled to great respect and generally should not be disturbed on appeal unless certain substantial facts were overlooked which, if considered, may affect the outcome of the case. After a careful review of the records, the Court finds no cogent reason to overturn the findings of fact made by both the RTC and the CA that led to their uniform conclusion that accused-appellant was guilty of murder and frustrated homicide.

In rejecting the accused-appellant's argument that he should be declared criminally exempt from the murder charge, considering that he was suffering from psychosis when he stabbed his brothers, the RTC correctly held that:

Even assuming that the testimony of the wife of the accused is true, [accused-appellant]'s abnormal behavior immediately prior [to] the stabbing incident and at the time of the incident while suggestive of an aberrant behavior[,] can not be equated with a total deprivation of will or an absence of the power to discern. On the contrary, accused was even sane enough to help his mother stand up after falling on the ground and seated her in front of a house and surrender himself and his bolo to the responding policemen. x x x<sup>[13]</sup>

The testimony of the defense's lone witness, Isabel, taken during the hearing before the RTC on September 3, 2009 is enlightening:

ATTY. ABELLERA [defense counsel]

x x x x

Q And for how long did your husband stay inside the house of your brother-in-law at that time?

A Only for a while, sir, and then he came out

Q When he came out, what did your husband do at that time?

A He came out as if nothing happened. sir, and when one of my brothers-in-law approached to help. he slabbed him.

Q And who is that second brother-in-law who was stabbed by your husband?

A [Bernardo], sir.

Q And after hitting [Bernardo], what happened next?

A [Bernardo] ran away and my mother-in-law ran to the house of Apolonio and when she embraced my husband, she fell down on the ground, sir.

Q When your mother-in-law fell down on the ground, what happened to [accused-appellant]

A He helped his mother get up and let her sit in front of the house, sir.<sup>[14]</sup>

Moreover, Isabel herself testified that her husband had worked as a tricycle driver and possessed the necessary license therefor, viz.:

PROS. GUARDIANO [prosecution upon cross examination]

x x x x

Q And as you said, x x x your husband [worked as] a tricycle driver

A Yes, sir.