

# **FIRST DIVISION**

**[ G.R. No. 227312, September 05, 2018 ]**

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JESSIE HALOC Y CODON, ACCUSED-APPELLANT.**

## **DECISION**

**BERSAMIN, J.:**

To be exempting from criminal responsibility, insanity is the complete deprivation of intelligence in committing the criminal act. Mere abnormality of the mental faculties does not exempt from criminal responsibility.

### **The Case**

The accused-appellant assails the decision promulgated on August 19, 2015,<sup>[1]</sup> whereby the Court of Appeals (CA) affirmed with modifications his conviction for murder and attempted murder under the judgment rendered on March 20, 2014 by the Regional Trial Court (RTC), Branch 54, in Gubat, Sorsogon in Criminal Case No. 2780 and Criminal Case No. 2781.<sup>[2]</sup>

### **Antecedents**

As summarized by the CA, the factual and procedural antecedents are as follows:

Accused-appellant Jessie Haloc y Codon, then fifty-one (51) years old, was apprehended by barangay officials after he hacked Allan de la Cruz, nine (9) years and his brother Arnel, four (4) years old, inside the de la Cruz's yard at Barangay Union, Gubat, Sorsogon on June 22, 2008 at around 12 noon. Arnel died as a result of the hacking blow to his neck, while Allan sustained injuries on his upper arm. (Records, Criminal Case No. 2780, p. 5, 9)

According to the Joint Inquest Memorandum, the accused, who was armed with a 24-inch bolo, went to the dela Cruzes' and attempted to strike the victims' father, Ambrosio who was able to escape. Unfortunately, Ambrosio's five (5) sons were following him. Jessie took his ire on Ambrosio's children, hacking Allan on the arm and taking Arnel and cutting his neck, severing the jugular veins and nearly decapitating his head resulting to Arnel's immediate death. (Records, Criminal Case No. 2780, p. 5)

The accused-appellant, assisted by the Public Attorney's Office (PAO) did

not submit any counter-affidavit. (Records, Criminal Case No. 2780, p. 5)

On June 22, 2008, an Information was filed charging accused-appellant of Attempted Murder in Criminal Case No. 2780 as follows:

That on or about 12:00 o'clock noon of June 22, 2008 at Barangay Union, municipality of Gubat, province of Sorsogon, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with treachery and taking advantage of his superior strength, armed with a bolo, did then and there, wilfully, unlawfully and feloniously, with intent to kill, and acting with discernment, attack, assault and hack one ALLAN DE LA CRUZ, a 9 year old minor, hitting the victim on his right arm, thus accused commences (sic) the commission of Murder directly by overt acts but was not able to perform all the acts of execution which would have produce (sic) the crime of Murder by reason of causes or accident other than his own spontaneous desistance, that is, the said Allan de la Cruz was brought to a hospital and was given medical assistance which prevented his death, to his damage and prejudice.

CONTRARY TO LAW. (Records, Criminal Case No. 2780, p. 1)

Another Information was filed against accused-appellant for Murder in Criminal Case No. 2781:

That on or about 12:00 o'clock noon of June 22, 2008 at Barangay Union, municipality of Gubat, province of Sorsogon, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with treachery and taking advantage of his superior strength, armed with a bolo, did then and there, wilfully, unlawfully and feloniously, with intent to kill, and acting with discernment, attack, assault and hack one ARNEL DE LA CRUZ, a 4 year old minor, inflicting upon him mortal wounds which caused his death, to the damage and prejudice of his legal heirs.

CONTRARY TO LAW. (Records, Criminal Case No. 2781, p. 1)

On September 3, 2008, the original date for the accused's arraignment, the PAO manifested that he could not effectively interview the accused as he seemed to be mentally unfit. The PAO asked that the accused be first subjected to psychiatric evaluation which the trial court granted. (Records, Criminal Case No. 2780, p. 20)

On July 7, 2010, the Head of the Department of Psychiatry of Bicol Medical Center, Cadlan, Pili, Camarines Sur submitted a report stating that the accused is already fit for trial. (Records, Criminal Case No. 2780,

On July 22, 2010, the accused was arraigned and he pleaded "not guilty" to both charges. (Records, Criminal Case No. 2780, p. 42; Criminal Case No. 2781, p. 21)

Invoking insanity, the (order of) trial was reversed and the accused-appellant was first to present evidence.

Araceli Haloc-Ayo (Araceli) older sister of the accused testified that the victims Arnel and Allan were the accused's neighbours. The accused got angry at them since as they were noisy and he could not sleep. (Rollo, p. 42; TSN, July 11, 2013, pp. 5-6).

Although she was not present during the actual hacking incident, she went near the accused right after and found him standing by the trail. He recognized her and voluntarily gave the bolo to her. Araceli said that she noticed that her brother's eyes were "blazing" but she just came near him to prevent his brother from inflicting further injury. She said that her brother was acting differently and was very fierce. (Rollo, p. 41; TSN, July 11, 2013, pp. 3-6)

Days before the incident, Araceli visited the accused in his place and she learned that he has been drinking alcohol since he could not sleep, thinking about his child who was about to get married. (Rollo, p. 41; TSN, July 11, 2013, pp. 4-5)

Araceli also admitted that prior to the incident, she brought her brother to the hospital where he was treated. He got well and was not violent. He also recognized members of his family. (Rollo, p. 42; TSN, July 11, 2013, p. 6)

Suson Haloc (Susan), the accused's wife, testified that she has been married with him for thirty (30) years. She claimed that her husband was a kind person. In 2003, Jessie was brought to the Mental Hospital in Cadlan because of a mental disorder. He was cured with the medicines given him. In 2008, her husband's mental disorder recurred as he was drinking liquor again. In the last week of April 2008, the accused was brought to a certain Dr. Gregorio who prescribed four (4) tablets to him which made her husband well. After a month, her husband again suffered a mental disorder. She noticed that his eyes were "glazing", he could not work in the farm normally and he could not recognize her. Thus she left the house two (2) days before the incident and went to Juban, Sorsogon to her siblings. (Rollo, p. 42; TSN, March 14, 2013, pp. 3-7)

Dr. Imelda Escuadra (Dr. Escuadra), a psychiatrist, testified that the accused was brought to Don Susano Memorial Mental Hospital in Cadlan on August 22, 2003 and on July 16, 2007. Although she was not the one who treated the accused, she confirmed that the accused was a patient of the hospital based on their records. Dr. Benedicto Aguirre, now deceased, was the one who personally treated the accused. Another doctor, Dr. Chona Belmonte also saw the accused on October 8, 2008,

November 5, 2008 and December 2008. (Rollo, pp. 40-41; TSN, May 2, 2012, pp. 2-8)

The prosecution did not present evidence.<sup>[3]</sup>

As stated, the RTC rejected the defense of insanity, and convicted the accused-appellant as charged.<sup>[4]</sup> It opined that there was no evidence to show that he had been totally deprived of reason;<sup>[5]</sup> that, therefore, he had presented no competent witness to establish his insanity; and that his witnesses had even declared that he had been treated in 2003 and on April 18, 2008,<sup>[6]</sup> which, when taken together with the presumption of law in favor of sanity, doomed his defense of insanity. The RTC disposed thusly:

**WHEREFORE**, all premises considered, this court finds accused **JESSIE HALOC y CODON** guilty beyond reasonable doubt of the crimes of Attempted Murder and Murder.

For Crim. Case No. **2780**: Accused Jessie Haloc y Codon is sentenced to suffer the indeterminate sentence of **six (6) years** of *prision correccional*, maximum as minimum to **eight (8) years and one (1) day** of *prision mayor* medium as **maximum** and to indemnify Allan de la Cruz the amount of P5,000 for medical expenses, and.

For Crim. Case No. **2781**: Accused Jessie Haloc y Codon is sentenced to suffer the penalty of **Reclusion Perpetua** and to indemnify the heirs of Arnel de la Cruz the amount of P50,000 and another P50,000 as moral damages

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

On appeal, the CA affirmed the convictions, observing that even Dr. Imelda Escuadra, the psychiatrist of the Don Susano Memorial Mental Hospital in Cadlan, Pili, Camarines Sur, had testified that the mental condition of the accused-appellant had improved; that during the last time that he had consulted with her, he had no longer shown psychotic signs and symptoms; that his mental condition could not be a mitigating circumstance because no evidence had been presented showing that his mental condition had diminished his will power;<sup>[8]</sup> and that, nonetheless, the award of actual damages of P5,000.00 should be deleted, and interest at the rate of 6% *per annum* on the civil indemnity and moral damages reckoned from the date of finality of the judgment until full satisfaction should be imposed. The *fallo* reads:

**WHEREFORE**, the appeal is **DENIED** for lack of merit. The Decision dated March 20, 2014 of the Regional Trial Court, Branch 54 of Gubat, Sorsogon, in Criminal Case Nos. 2780 and 2781 is hereby **AFFIRMED with the MODIFICATION** in that the portion ordering the accused-appellant JESSIE HALOC y CODON to indemnify Allan de la Cruz in the

amount of P5,000.00 for medical expenses, in Criminal Case No. 2780, is deleted. The award of P50,000.00 as civil indemnity and P50,000.00 as moral damages in Criminal Case No. 2781, meanwhile, shall earn interest at the legal rate of 6% per annum from the date of finality of the judgment until fully paid.

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

Hence, this appeal.

### **Issues**

Both the Office of the Solicitor General,<sup>[10]</sup> representing the People, and the Public Attorney's Office,<sup>[11]</sup> representing the accused-appellant, manifested that in this appeal they were no longer filing supplemental briefs, and that their briefs filed in the CA be considered.

Hence, the accused-appellant submits that his defense of insanity should have been appreciated; that the records contained sufficient evidence proving his having been deprived of reason at the time he hacked the victims; and that even assuming that he was liable for killing Arnel and injuring Allan, he should be favored with the mitigating circumstance.

### **Ruling of the Court**

The appeal lacks merit.

Article 248 of the *Revised Penal Code*, as amended by Republic Act No. 7659, provides as follows:

Article 248. *Murder*. - Any person who, not falling within the provisions of article 246 shall kill another, shall be guilty of murder and shall be punished by *reclusion perpetua* to death, if committed with any of the following attendant circumstances:

1. With treachery, taking advantage of superior strength, with the aid of armed men, or employing means to weaken the defense or of means or persons to insure or afford impunity.
2. In consideration of a price, reward, or promise.
3. By means of inundation, fire, poison, explosion, shipwreck, stranding of a vessel, derailment or assault upon a railroad, fall of an airship, or by means of motor vehicles, or with the use of any other means involving great waste and ruin.
4. On occasion of any of the calamities enumerated in the preceding