

THIRD DIVISION

[G.R. No. 223114, November 29, 2017]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JONAS PANTOJA Y ASTORGA, ACCUSED-APPELLANT.

DECISION

MARTIRES, J.:

On automatic review before this Court is the 20 March 2015 Decision^[1] rendered by the Court of Appeals (CA) in CA-G.R. CR.-H.C. No. 06492, which affirmed with modification the 2 September 2013 Decision^[2] of the Regional Trial Court (RTC) of Pasig City, Branch 163, Taguig City Station, in Criminal Case No. 143350 finding accused-appellant Jonas Astorga Pantoja (*accused-appellant*) guilty beyond reasonable doubt of the crime of murder and sentencing him to *reclusion perpetua*.

THE FACTS

Accused-appellant was charged in an information^[3] which reads as follows:

That on or about the 22nd day of July 2010, in the City of Taguig, Philippines, and within the jurisdiction of this Honorable Court, the abovenamed accused, with intent to kill, armed with a bladed weapon (*kitchen knife*), a deadly weapon, with treachery, and taking advantage of his superior strength, did then there willfully, unlawfully, treacherously, and feloniously, attack, assault and repeatedly stab one [AAA],^[4] who was 6 years of age at the time of the commission of the offense, which is an act also considered to be cruelty against children, hitting the latter on the different parts of his body; thereby inflicting upon him fatal injuries which caused his death; to the damage and prejudice of the heirs of the victim.

When arraigned on 4 April 2011, accused-appellant pleaded not guilty. Trial ensued.

Version of the Prosecution

The prosecution presented the testimonies of Cederina Pantoja (*Cederina*), mother of the accused-appellant, as hostile witness; BBB^[5] father of the victim; and Dr. Voltaire P. Nulud (*Dr. Nulud*), a medico-legal officer of the Philippine National Police Southern Police District (*PNP-SPD*) Crime Laboratory.

Cederina testified that accused-appellant was admitted to the National Center for Mental Health (*NCMH*) on 8 July 2010. Prior to that, he had already exhibited signs of mental illness which started manifesting after he was mauled by several persons in an altercation when he was twenty-one (21) years old. Because of the incident, he sustained head injuries, which required stitches. No further physical examination

was conducted on him, because they did not have the funds to pay for additional checkups. Further, Cederina observed that his personality had changed, and he had a hard time sleeping. There was a time when he did not sleep at all for one week, prompting Cederina to bring the accused-appellant to the psychiatric department of the Philippine General Hospital (*PGH*). There, the attending physician diagnosed him with schizophrenia.^[6]

Accused-appellant escaped from the hospital on 14 July 2010, at around 7:45 in the evening, and arrived at their house the day after. When Cederina inquired from accused-appellant how he was able to find his way home, accused-appellant responded that he roamed around until he remembered the correct jeepney route to their house. Cederina then informed the NCMH that the accused-appellant was in her custody, and she was advised to bring him back to the hospital. However, they were unable to do so at that time because they could not afford the transportation expenses.^[7]

On 22 July 2010, at around 8:00 o'clock in the morning, Cederina and the accused-appellant were inside their house. She was washing dishes while he was sitting on the balcony. She kept an eye on him from time to time but, eventually, she noticed that accused-appellant was gone. She went outside to look for him and noticed that the front door of the house where six-year-old AAA resided was open. She found this unusual because it was normally closed. She became nervous when she heard the cry of a child coming from the house. She entered the house and, sensing that the cry emanated from upstairs, she went up.^[8]

She then saw accused-appellant holding a knife and the victim sprawled on the floor, bloodied. She took the knife from him and asked him what happened. He did not respond and appeared dazed. She took him downstairs and out of the house where she called out for help for the victim. Nobody responded, until she saw Glenda, who immediately ran to their house when Cederina told her that her son AAA had been hurt.^[9]

After a while, barangay officials arrived and brought the accused-appellant with them. Cederina later learned that the victim had died. She went to Glenda and asked for her forgiveness.^[10]

Cederina further testified that from the time accused-appellant came home until that fateful morning of 22 July 2010, he continued to take his medications. She observed, however, that accused-appellant exhibited odd behavior, such as repeatedly going in and out of the house.^[11]

Dr. Nulud testified that he conducted an autopsy on the victim. His examination revealed that the victim sustained four (4) stab wounds: on his forehead, his neck, his right shoulder, and below his collar bone.^[12]

BBB testified that he was working in Qatar, when his son died. He immediately returned to the Philippines, arriving on 29 July 2010. The victim was buried a week after.^[13]

He further testified that the family incurred expenses for their son's funeral service

and for his wake, which lasted for two (2) weeks, in the amounts of P32,000.00 and P65,244.00, respectively. The former has corresponding official receipts while the latter is evidenced by a breakdown of expenses prepared by Glenda.^[14]

Version of the Defense

The defense presented the testimonies of accused-appellant and Cederina.

Accused-appellant testified that he was first confined for his mental illness at the PGH in 2003 because his mother observed that he was speaking differently and was starting to hurt people; that he had been in and out of the hospital for the same reason since then; that he would be released from confinement whenever the doctors deemed him well enough after a series of examinations and interviews; that the doctors prescribed medicine, which he had been taking from 2003 up to the time his testimony was taken; that there was never an instance when any of the doctors recommended him to stop taking his medications; that there were times when he would stop taking his medicine if he felt that he was well, which was a source of quarrel for him and his mother; that he knew the victim as his younger brother's playmate; that he could not recall what happened on the fateful morning of 22 July 2010.^[15]

The RTC Ruling

The RTC found accused-appellant guilty beyond reasonable doubt of the crime of murder and sentenced him to suffer the penalty of *reclusion perpetua*. The dispositive portion of the decision reads:

WHEREFORE, premises considered, Jonas Pantoja y Astorga is hereby found **GUILTY** beyond reasonable doubt of the crime of murder, defined and penalized under Article 248 of the Revised Penal Code and, there being no mitigating or aggravating circumstances, is hereby meted the penalty of *reclusion perpetua* without eligibility for parole conformably with Republic Act No. 9346.

Accused is ordered to pay the heirs of [AAA] the amounts of P65,244.00 by way [of] actual damages, P75,000.00 as civil indemnity and P50,000.00 as moral damages. Interest at the rate of six percent (6%) per annum shall be applied to the award of all damages from the finality of the judgment until fully paid.^[16]

The RTC reasoned that all the pieces of evidence proffered by the defense are insufficient to warrant a finding that accused-appellant was insane at the time immediately preceding or simultaneous with the crime. Consequently, the presumption of sanity stands.

Aggrieved, accused-appellant appealed before the CA.

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, the *Decision* of the Regional Trial Court of Pasig City, Branch 163, Taguig City Station, in Criminal Case No. 143350, is hereby **AFFIRMED WITH MODIFICATION** in that accused-appellant Jonas Pantoja y Astorga (JONAS) is **ORDERED** to pay actual damages in the amount of P35,000,00.^[17]

The CA agreed with the RTC that the evidence of the defense do not prove that accused-appellant was insane at the time he committed the crime. Furthermore, while the CA acknowledged that accused-appellant has a history of mental illness which diminished the exercise of his willpower without depriving him of the consciousness of his acts, it also ruled that this mitigating circumstance could not serve to lower the penalty meted against accused-appellant because *reclusion perpetua* is a single and indivisible penalty.

Hence, this appeal.

ISSUE

This Court is tasked to determine whether accused-appellant has clearly and convincingly proven his defense of insanity to exempt him from criminal liability and, in the negative, whether his mental issues constitute diminished willpower so as to mitigate his liability and to lower the penalty.

THE COURT'S RULING

After a careful evaluation of the records, this Court sees no reason to overturn the decision of the CA, except to modify the amount of damages awarded.

The defense of insanity is in the nature of a confession and avoidance, requiring defendant to prove it with clear and convincing evidence.

The RTC and the CA both found that all the elements constituting murder exist in the case at bar, with accused-appellant as the perpetrator. The accused-appellant did not present evidence controverting such findings. However, accused-appellant raises the defense of insanity in claiming that he should not be found criminally liable.

Insanity is one of the exempting circumstances enumerated in Article 12 of the Revised Penal Code, *viz*:

Art. 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.

x x x x

Strictly speaking, a person acting under any of the exempting circumstances commits a crime but cannot be held criminally liable therefor. The exemption from punishment stems from the complete absence of intelligence or free will in performing the act.^[18]

The defense of insanity is thus in the nature of a confession or avoidance. The defendant who asserts it is, in effect, admitting to the commission of the crime. Consequently, the burden of proof shifts to defendant, who must prove his defense with clear and convincing evidence.^[19]

In *People v. Madarang*,^[20] the Court ruled that a more stringent standard in appreciating insanity as an exempting circumstance has been established, viz:

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.**
(emphasis supplied)

Moreover, the evidence of the defense must establish that such insanity constituting complete deprivation of intelligence existed immediately preceding or simultaneous to the commission of the crime.^[21]

Thus, for the defense of insanity to prosper, two (2) elements must concur: (1) that defendant's insanity constitutes a complete deprivation of intelligence, reason, or discernment; and (2) that such insanity existed at the time of, or immediately preceding, the commission of the crime.

Since no man can know what goes on in the mind of another, one's behavior and outward acts can only be determined and judged by proof. Such proof may take the form of opinion testimony 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.^[22]

The proof proffered by accused-appellant is insufficient to sustain his defense of insanity.

To prove its assertion, the defense presented the testimonies of accused-appellant and Cederina. It also offered in evidence a (1) letter from the NCMH addressed to Cederina; (2) accused-appellant's patient identification cards from the NCMH and the PGH; (3) accused-appellant's clinical record; and (4) doctor's prescriptions.

A scrutiny of the evidence presented by accused-appellant unfortunately fails to establish that he was completely bereft of reason or discernment and freedom of will when he fatally stabbed the victim. The paucity in accused-appellant's proof is shown by the following circumstances:

First, the testimony of Cederina tends to show that accused-appellant exhibited signs of mental illness only after being injured in an altercation in 2003; that she observed changes in his personality and knew he had difficulty sleeping since then; that accused-appellant was confined in the hospital a few times over the years for his mental issues; and that he was confined at the NCMH on 8 July 2010 from where he subsequently escaped. Nothing in her testimony pointed to any behavior of the