

SECOND DIVISION

[G.R. No. 216021, March 02, 2016]

SOLOMON VERDADERO Y GALERA, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

DECISION

MENDOZA, J.:

The expectations of a person possessed with full control of his faculties differ from one who is totally deprived thereof and is unable to exercise sufficient restraint on his. Thus, it is but reasonable that the actions made by the latter be measured under a lesser stringent standard than that imposed on those who have complete dominion over their mind, body and spirit.

This petition for review on certiorari seeks to reverse and set aside the July 10, 2014 Decision^[1] and the December 15, 2014 Resolution^[2] of the Court of Appeals (CA) in CA-G.R. CR No. 35894 which affirmed the May 30, 2013 Judgment^[3] of the Regional Trial Court, Branch 03, Tuguegarao City (RTC) in Criminal Case No. 13283, finding accused Solomon Verdadero y Galera (*Verdadero*) guilty beyond reasonable doubt of the crime of Homicide, defined and penalized under Article 249 of the Revised Penal Code (RPC).

The Facts

In an Information,^[4] dated September 9, 2009, Verdadero was charged with the crime of murder for killing Romeo B. Plata (*Romeo*), the accusatory portion of which reads:

That on or about March 12, 2009, in the municipality of Baggao, Province of Cagayan, and within the jurisdiction of this Honorable Court, the said accused **SOLOMON VERDADERO** armed with a Rambo knife, with intent to kill, evident premeditation and with treachery, did then and there wilfully, unlawfully and feloniously attack, assault and stab **ROMEO B. PLATA**, thereby inflicting upon him stab wounds on the different parts of his body which caused his death.

Contrary to law.^[5]

On June 3, 2011, Verdadero was arraigned and pleaded "Not Guilty." During the pre-trial, he invoked the defense of insanity but did not consent to a reverse trial. Thereafter, trial ensued.^[6]

Evidence of the Prosecution

The evidence of the prosecution tended to establish the following:

On March 12, 2009, at around 3:00 o'clock in the afternoon, Maynard Plata (*Maynard*) and his father Romeo were at the Baggao Police Station. Together with Ronnie Elaydo (*Ronnie*), they went there to report that Verdadero had stolen the fan belt of their irrigation pump.^[7]

After a confrontation with Verdadero at the police station, the three men made their way home on a tricycle but stopped at a drugstore as Maynard intended to buy some baby supplies. Romeo proceeded towards a store near the drugstore while Ronnie stayed inside the tricycle. From the drug store, Maynard saw Verdadero stabbing Romeo, after he was alerted by the shouts of Ronnie.^[8]

Verdadero stabbed Romeo on the left side of the latter's upper back with the use of a Rambo knife. He again struck Romeo's upper back, just below the right shoulder. Maynard tried to help his father but Verdadero attempted to attack him as well. He defended himself using a small stool, which he used to hit Verdadero in the chest.^[9]

Meanwhile, Ronnie ran towards the police station to seek assistance. The responding police officers arrested Verdadero, while Maynard and Ronnie brought Romeo to a clinic but were advised to bring him to the Cagayan Valley Medical Center (CVMC). Romeo, however, died upon arrival at the CVMC. Based on the Post-Mortem Examination Report, his cause of death was cardiopulmonary arrest secondary to severe hemorrhage secondary to multiple stab wounds and hack wounds.^[10]

Evidence of the Defense

The evidence for the defense did not refute the material allegations but revolved around Verdadero's alleged insanity, to wit:

Since 1999, Verdadero had been an outpatient of CVMC's Psychiatric Department as he claimed to hear strange voices and had difficulty in sleeping. Sometime in 2001, Miriam Verdadero (*Miriam*), Verdadero's sister, again brought him to the Psychiatric Department of CVMC after he became violent and started throwing stones at a tricycle with a child on board. Verdadero was confined for two (2) months and was diagnosed to be suffering from mental depression.

On July 21, 2003, he was diagnosed with schizophrenia and was given medications to address his mental illness. Verdadero would irregularly consult with his doctors as he had a lifelong chronic disease. Then, in 2009, he was again confined for the fourth (4th) time at CVMC due to a relapse.

On March 12, 2009, Miriam proceeded to CVMC, after she heard of the stabbing incident. There, she saw Verdadero removing the IV tubes connected to his body and, thereafter, locked himself inside the comfort room. Eventually, Verdadero was given sedatives and was transferred to an isolation room after Miriam informed the nurses of the incident.^[11]

On March 20, 2009, he was transferred to the Psychiatry Department after Dr. Leonor Andres-Juliana (*Dr. Andres-Juliana*) had diagnosed that he was having difficulty sleeping. Dr. Andres-Juliana opined that Verdadero suffered a relapse, as

evidenced by his violent behaviour.

Acting on the January 4, 2011 Order of the RTC, Dr. Ethel Maureen Pagaddu (*Dr. Pagaddu*) conducted a mental examination on Verdadero. She confirmed that as early as 1999, he was already brought to CVMC and that he was diagnosed with schizophrenia on July 21, 2003. Dr. Pagaddu agreed with Dr. Andres-Juliana that Verdadero had suffered a relapse on the day of the stabbing incident.^[12]

The RTC Ruling

On May 30, 2013, the RTC rendered a decision finding Verdadero guilty for the crime of homicide. The dispositive portion of which reads:

WHEREFORE, in light of the foregoing, this Court finds the accused **SOLOMON VERDADERO y Galera GUILTY** beyond reasonable doubt of the felony of Homicide, defined and penalized under Article 249 of the Revised Penal Code, as amended, and hereby sentences him:

1. To suffer an indeterminate prison sentence ranging from twelve (12) years of *prision mayor* [as maximum] as minimum to seventeen (17) years and four (4) months of reclusion temporal medium, as maximum; and,
2. To pay the heirs of Romeo Plata the amounts of:
 - a. P50,000.00 as death indemnity;
 - b. P50,000.00 as moral damages and
 - c. P30,000.00 as stipulated actual damages; and,
3. To pay the costs.

SO ORDERED.^[13]

The RTC ruled that the crime committed was only homicide, as the prosecution failed to establish the presence of treachery and evident premeditation to qualify the killing to murder. The trial court, however, opined that Verdadero failed to establish insanity as an exempting circumstance. The trial court posited that Verdadero was unsuccessful in establishing that he was not in a lucid interval at the time he stabbed Romeo or that he was completely of unsound mind prior to or coetaneous with the commission of the crime.

Aggrieved, Verdadero appealed before the CA.

The CA Ruling

In its July 10, 2014 Decision, the CA upheld Verdadero's conviction of homicide. The appellate court agreed that the defense was able to establish that Verdadero had a history of schizophrenic attacks, but was unable to prove that he was not lucid at the time of the commission of the offense. The decretal portion of the decision states:

WHEREFORE, in view of the foregoing, the Appeal is **DENIED**. The Judgment, dated May 30, 2013, rendered by the Regional Trial Court of Tuguegarao City, Branch 3 in Criminal Case No. 13283, is **AFFIRMED**.

SO ORDERED.^[14]

Verdadero moved for reconsideration, but his motion was denied by the CA in its resolution, dated December 15, 2014.

Hence, this present petition, raising the following

ISSUE

WHETHER THE COURT OF APPEALS GRAVELY ERRED IN AFFIRMING THE PETITIONER'S CONVICTION DESPITE THE FACT THAT HIS INSANITY AT THE TIME OF THE INCIDENT WAS ESTABLISHED BY CLEAR AND CONVINCING EVIDENCE.

Verdadero insists that he was able to fully support his defense of insanity. He claims that Maynard even admitted that he was not in the proper state of mind when they were at the police station before the stabbing took place. Further, it appeared that Verdadero was having hallucinations after the stabbing incident as testified to by Dr. Andres-Juliana. Verdadero notes that Dr. Pagaddu concluded that he had a relapse at the time of the stabbing incident on March 12, 2009.

In its Comment,^[15] the Office of the Solicitor General (OSG) contended that the present petition presented a question of fact, which could not be addressed in a petition for review under Rule 45 of the Rules of Court. Moreover, it asserted that the CA did not misapprehend the facts as the evidence presented failed to completely establish Verdadero's insanity at the time of the stabbing.

In his Manifestation (in Lieu of Reply),^[16] Verdadero indicated that he would no longer file a reply as his petition for review already contained an exhaustive discussion of the issues.

The Court's Ruling

The present petition primarily assails the conviction despite his defense of insanity. Before delving into the merits of the case, a discussion of the procedural issue is in order.

Only questions of law may be raised in a petition for review under Rule 45; Exceptions

The OSG argues that the Court should not entertain Verdadero's petition for review as it principally revolves around the issue of his insanity — a question of fact which should no longer be addressed in a petition for review. The Court disagrees.

Generally, questions of fact are beyond the ambit of a petition for review under Rule 45 of the Rules of Court as it is limited to reviewing only questions of law. The rule, however, admits of exceptions wherein the Court expands the coverage of a petition for review to include a resolution of questions of fact. In *Laborte v. Pagsanjan*

Tourism Consumers' Cooperative et al.,^[17] the Court reiterated the following exceptions to the rule that only questions of law may be raised under Rule 45, to wit: (1) when the findings are grounded entirely on speculations, surmises, or conjectures; (2) when the inference made is manifestly mistaken, absurd, or impossible; (3) when there is a grave abuse of discretion; **(4) when the judgment is based on misappreciation of facts;** (5) when the findings of fact are conflicting; (6) when in making its findings, the same are contrary to the admissions of both appellant and appellee; (7) when the findings are contrary to those of the trial court; (8) when the findings are conclusions without citation of specific evidence on which they are based; (9) when the facts set forth in the petition as well as in the petitioner's main and reply briefs are not disputed by the respondent; and (10) when the findings of fact are premised on the supposed absence of evidence and contradicted by the evidence on record.

The present petition mainly delves into Verdadero's state of mind at the time of the stabbing incident. Obviously, it is a question of fact, which, ordinarily is not entertained by the Court in a petition for review. As will be discussed below, the Court, nevertheless, finds that the circumstances in the case at bench warrant the application of the exception rather than the rule.

Insanity must be present at the time the crime had been committed

To completely evade culpability, Verdadero raises insanity as a defense claiming that he had suffered a relapse of his schizophrenia. Under Article 12 of the RPC, an imbecile or an insane person is exempt from criminal liability, unless the latter had acted during a lucid interval. The defense of insanity or imbecility must be clearly proved for there is a presumption that the acts penalized by law are voluntary.^[18]

In the case at bench, it is undisputed that (1) as early as 1999, Verdadero was brought to the Psychiatric Department of CVMC for treatment; (2) he was diagnosed with depression in 2001; (3) he was diagnosed with schizophrenia on July 21, 2003; (4) he was confined in the psychiatric ward sometime in 2009 due to a relapse; (5) he was in and out of psychiatric care from the time of his first confinement in 1999 until the stabbing incident; and (6) he was diagnosed to have suffered a relapse on March 20, 2009.

Thus, it is without question that he was suffering from schizophrenia and the only thing left to be ascertained is whether he should be absolved from responsibility in killing Romeo because of his mental state.

Schizophrenia is a chronic mental disorder characterized by inability to distinguish between fantasy and reality, and often accompanied by hallucinations and delusions.^[19] A showing that an accused is suffering from a mental disorder, however, does not automatically exonerate him from the consequences of his act. Mere abnormality of the mental faculties will not exclude imputability.^[20]

In *People v. Florendo*,^[21] the Court explained the standard in upholding insanity as an exempting circumstance, to wit:

Insanity under Art. 12, par. 1, of *The Revised Penal Code* exists when there is a **complete deprivation of intelligence in committing the**