

SECOND DIVISION

[G.R. No. 208719, June 09, 2014]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ROGER RINGOR UMAWID, ACCUSED-APPELLANT.

R E S O L U T I O N

PERLAS-BERNABE, J.:

Assailed in this ordinary appeal^[1] filed by accused-appellant Roger Ringor Umawid (Umawid) is the Decision^[2] dated February 28, 2013 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 05332 which affirmed the Joint Decision^[3] dated November 8, 2011 of the Regional Trial Court of Roxas, Isabela, Branch 23 (RTC) in Criminal Case Nos. 23-0471^[4] and 23-0543, finding Umawid guilty of the crimes of Murder and Frustrated Murder, defined and penalized under Article 248 of the Revised Penal Code, as amended (RPC). The Informations^[5] therefor read as follows:

Criminal Case No. Br. 23-0471

That on or about the 26th day of November, 2002, in the municipality of San Manuel, province of Isabela, Philippines, and within the jurisdiction of this Honorable Court, the said accused, with intent to kill and with evident premeditation and treachery, did then and there, willfully, unlawfully and feloniously, assault, attack and hack with a long bolo (*panabas*) one Maureen Joy Ringor, a two year old baby girl, inflicting upon her body mortal wounds, which directly and instantaneously caused her death.

CONTRARY TO LAW.

Roxas, Isabela, November 27, 2002.^[6]

Criminal Case No. 23-0543

That on or about the 26th day of November, 2002, in the municipality of San Manuel, province of Isabela, Philippines and within the jurisdiction of this Honorable Court, the said accused, with intent to kill and with evident premeditation and treachery, did then and there, willfully, unlawfully and feloniously, assault, attack and hack for several times with a long bolo (*Panabas*) one, Jeffrey R. Mercado, inflicting upon him, incised wounds on the (R) and (L), hand and on the parietal area, which injuries would ordinarily cause the death of the said Jeffrey R. Mercado, thus, performing all the acts of execution which should have produced the crime of Murder, as a consequence, but nevertheless, did not produce

it, by reason of causes independent of his will, that is, by the timely and able medical assistance rendered to the said Jeffrey R. Mercado, which prevented his death.

CONTRARY TO LAW.

Ilagan for Roxas, Isabela, April 3, 2003.^[7]

The Facts

The prosecution presents the following version of the facts:

At around 4 o'clock in the afternoon of November 26, 2002, Vicente Ringor (Vicente) was staying with his two (2)-year old granddaughter, Maureen Joy Ringor (Maureen), at the terrace of their house located at Villanueva, San Manuel, Isabela. Suddenly, Umawid appeared and started attacking Vicente with a *panabas* with neither reason nor provocation. While Vicente was able to evade Umawid's blows, the latter nevertheless hit Maureen on her abdomen and back, causing her instantaneous death. Upon seeing Maureen bloodied, Umawid walked away.^[8]

Thereafter, Umawid went to a nearby house which was only five (5) meters away from Vicente's house^[9] where his nephew, Jeffrey R. Mercado (Jeffrey), was sleeping. Awakened by the commotion, Jeffrey went outside only to see his uncle charging at him with his *panabas*. Instinctively, Jeffrey, along with his sister and cousin, rushed inside the house to seek for safety. However, Umawid was able to prevent Jeffrey from closing the door of the house, and, as such, the former was able to barge into the said house. Cornered and nowhere else to go, Jeffrey crouched and covered his head with his arms to shield him from Umawid's impending attacks. Eventually, Umawid delivered fatal hacking blows to Jeffrey, causing the mutilation of the latter's fingers. Umawid only stopped his barrage upon seeing Jeffrey, who was then pretending to be dead, leaning on the wall and blood-stained.^[10]

For his part, Umawid set up the defense of insanity, but did not, however, take the witness stand to attest to the same. Instead, he presented the testimonies of Dr. Arthur M. Quincina (Dr. Quincina) and Dr. Leonor Andres Juliana (Dr. Juliana) to bolster his claim. Dr. Quincina testified that he evaluated Umawid's psychiatric condition in May 2002, February 2003, and on March 24, 2003 and found that the latter was manifesting psychotic symptoms. However, he could not tell with certainty whether Umawid was psychotic at the time of the commission of the crimes. On the other hand, Dr. Juliana failed to testify on Umawid's mental state since she merely referred the latter to another doctor for further evaluation.^[11]

The RTC Ruling

In a Joint Decision^[12] dated November 8, 2011, the RTC found Umawid guilty beyond reasonable doubt of the crime of Murder in Criminal Case No. 23-0471, and sentenced him to suffer the penalty of *reclusion perpetua* and ordered him to pay the heirs of Maureen the amounts of P50,000.00 as civil indemnity and P50,000.00 as moral damages. Umawid was also found guilty beyond reasonable doubt of the

crime of Frustrated Murder in Criminal Case No. 23-0543, and sentenced to suffer the penalty of imprisonment for an indeterminate period of six (6) years, eight (8) months, and one (1) day of *prision mayor*, as minimum, to fourteen (14) years, eight (8) months, and one (1) day of *reclusion temporal*, as maximum, and ordered to pay Jeffrey the sum of P10,000.00 as moral damages.^[13]

The RTC found that Umawid committed the acts complained of in the informations and that they were done in a treacherous manner, considering that Maureen was only two (2) years old at the time of the attack and thus, cannot be expected to put up a defense, and that Jeffrey was never given an opportunity to defend himself. Further, it did not lend credence to Umawid's alleged insanity as the defense failed to show that he was indeed of unsound mind at the time of the commission of the crimes.^[14]

Aggrieved, Umawid appealed to the CA.

The CA Ruling

In a Decision^[15] dated February 28, 2013, the CA affirmed Umawid's conviction. It held that by invoking the defense of insanity, Umawid had, in effect, admitted the commission of the crimes but nevertheless pleaded to be exonerated from criminal liability. However, he failed to prove by clear and positive evidence that he was actually insane immediately preceding the time of the commission of the crimes or during their execution.

Dissatisfied with the CA's ruling, Umawid filed the instant appeal.

The Issue Before the Court

The issue for the Court's resolution is whether or not Umawid's conviction for the crimes of Murder and Frustrated Murder should be upheld.

The Court's Ruling

Umawid's appeal is bereft of merit.

A. The Defense of Insanity

Umawid's plea of insanity as an exempting circumstance to exonerate himself from criminal liability rests on Article 12 of the RPC which provides:

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.

Where the imbecile or an insane person has committed an act which the law defines as a felony (*delito*), the court shall order his confinement in one of the hospitals or asylums established for persons thus afflicted,

which he shall not be permitted to leave without first obtaining the permission of the same court.

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As case law instructs, **the defense of insanity is in the nature of confession and avoidance because an accused invoking the same admits to have committed the crime but claims that he or she is not guilty because of such insanity.** As there is a presumption in favor of sanity, **anyone who pleads the said defense bears the burden of proving it with clear and convincing evidence.** Accordingly, the evidence on this matter must relate to the time immediately preceding or simultaneous with the commission of the offense/s with which he is charged.^[16]

Insanity exists when there is a complete deprivation of intelligence while committing the act, *i.e.*, when the accused is deprived of reason, he acts without the least discernment because there is a complete absence of power to discern, or there is total deprivation of freedom of the will. Mere abnormality of the mental faculties is not enough, especially if the offender has not lost consciousness of his acts. Insanity is evinced by a deranged and perverted condition of the mental faculties and is manifested in language and conduct. Thus, in order to lend credence to a defense of insanity, it must be shown that the accused had no full and clear understanding of the nature and consequences of his or her acts.^[17]

In this case, Umawid solely relied on the testimonies of Dr. Quincina and Dr. Juliana to substantiate his plea of insanity. Records, however, reveal that Dr. Quincina's testimony only showed that he evaluated Umawid's mental condition in May 2002, February 2003, and March 2003.^[18] In other words, he only examined Umawid six (6) months before the latter committed the crimes and three (3) months and four (4) months thereafter. Notably, he admitted that his findings did not include Umawid's mental disposition immediately before or at the very moment when he committed such crimes.^[19] As such, Dr. Quincina's testimony cannot prove Umawid's insanity. Neither would Dr. Juliana's testimony shore up Umawid's cause as the former failed to attest to the latter's mental condition and even referred him to another doctor for further evaluation. Given these circumstances, Umawid's defense of insanity remained unsubstantiated and, hence, he was properly adjudged by the RTC and the CA as criminally liable.

With Umawid's criminal liability having been established, the Court now proceeds to examine whether or not treachery was correctly appreciated as a qualifying circumstance for the crimes charged.

B. The Qualifying Circumstance of Treachery

Under Article 248 of the RPC, treachery qualifies the killing of a person to the crime of Murder:

Art. 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**