

THIRD DIVISION

[G.R. No. 199875, November 21, 2012]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. EDWIN ISLA Y ROSSELL, ACCUSED-APPELLANT.

D E C I S I O N

MENDOZA, J.:

This is an appeal from the December 17, 2010 Decision^[1] of the Court of Appeals (CA) in CA-G.R. CR No. 28761, which affirmed the April 26, 2004 Decision^[2] of the Regional Trial Court, Branch 98, Quezon City (RTC), finding the accused guilty beyond reasonable doubt of the crimes of Rape and Frustrated Murder.

On July 25, 1997, two separate Informations for Frustrated Murder and Rape were filed before the RTC, docketed as Criminal Case Nos. Q-97-72078 and Q-97-72079, respectively. These informations read:

Criminal Case No. Q-97-72078

The undersigned accuses EDWIN ISLA Y ROSSELL of the crime of Frustrated Murder, committed as follows:

That on or about the 21st day of July, 1997, in Quezon City, Philippines, the said accused, with intent to kill, with treachery and with evident premeditation, with abuse of superior strength, did then and there wilfully, unlawfully and feloniously attack, assault and employ personal violence upon the person of AAA^[3] by then and there stabbing her with a kitchen knife, hitting her twice below the chest, thereby inflicting upon said AAA serious and mortal wounds, the offender thus performing all the acts of execution which would produce death, which, however, was not produced by reason of cause independent of the will of the perpetrator, that is, the timely medical intervention, to the damage and prejudice of the said offended party.

CONTRARY TO LAW.^[4]

Criminal Case No. Q-97-72079

The undersigned accuses EDWIN ISLA Y ROSSELL, of the crime of Rape, committed as follows:

That on or about the 21st day of July, 1997, in Quezon City, Philippines, the said accused by means of force and intimidation, to wit: by then and there wilfully, unlawfully and feloniously undress her and put himself on

top of her, and thereafter have carnal knowledge with the undersigned complainant against her will and without her consent.

CONTRARY TO LAW. [5]

Evidence for the Prosecution

During the trial, the prosecution presented three (3) witnesses; namely: complainant AAA; Dr. Ma. Cristina Freyra (*Dr. Freyra*), the chief of the medico-legal division of the Philippine National Police (PNP) Crime Laboratory; and Dr. Reynaldo Perez (*Dr. Perez*) of the East Avenue Medical Center, AAA's attending physician.

According to AAA's account, on July 21, 1997, at around 3:00 o'clock in the afternoon, she was inside her rented house together with her two (2) children, aged 1 ½ years old and 9 months old, respectively. She then noticed that accused Edwin Isla (*Isla*) was standing by the door of her kitchen. He asked her what time her landlady would be arriving and she answered that she had no idea. Thereafter, she opened the door of the kitchen, hoping that passersby would see him inside the house. After fifteen (15) minutes, she was startled when he suddenly poked a knife on her neck and pulled her inside the bedroom. By this time, she noticed that she had already closed the window and the door of the living room. She pleaded and begged for mercy but to no avail. She was warned not to shout or resist otherwise she would be stabbed.

Inside the bedroom, she was made to lie down on the floor because there was no bed. Isla placed himself on top of her and then he removed her upper clothing. He raised her bra, exposing her breasts and then kissed them. Eventually, he made her spread her legs and had carnal knowledge with her. While he was committing the dastardly act, she noticed a knife pointed at her. She also informed the trial court that during the whole ordeal, her children were present and witnessed everything.

When Isla stood up after raping her, she noticed that the knife he was holding was already bloodstained. At this point, she found out that she was stabbed with the knife. She tried to take hold of the knife while shouting for help. In response, Isla struck her the second time, this time, under her lower left breast. She also sustained a wound on her palm while trying to disarm him. Then the knife fell to the floor. It was at this moment that she was able to get hold of it and she threw it outside through a broken window in the room. Thereafter, Isla scampered out of the house through the backdoor.

In a little while, a neighbor came knocking at the door and was able to see AAA's condition. She was taken to the East Avenue Medical Center (*EAMC*) for medical attention and was confined there for five (5) days.

At the hospital, Dr. Freyra conducted an examination on AAA upon the request of the station commander of the PNP Lagro Police Station. Based on her findings, AAA sustained eleven (11) body injuries, two (2) of which were stab wounds, six (6) incised wounds and two (2) contusions. The stab wounds required medical attendance of not less than 30 days. An examination of AAA's sexual organ showed congestions and abrasion in the labia minora and yielded negative result on the presence of spermatozoa.

AAA's attending physician, Dr. Perez, on the other hand, testified that she had multiple stab wounds on the left side of the chest. Her chest x-ray result disclosed an accumulation of blood in the thorax which required him to conduct a procedure to drain the blood. He concluded that the stab wounds were severe and fatal which could have led to AAA's death had it not been for the timely medical attendance.

Evidence for the Defense

For the defense, accused Edwin Isla was presented together with two (2) psychiatric doctors who examined him.

Isla never denied that he raped AAA on July 21, 1997. Invoking the defense of insanity, he testified that before the incident, he and AAA had an illicit relationship for about two months until they broke up. He had to use a knife to be able to have sexual intercourse with her. It was the first time that he and AAA had sex. After raping her, he admitted stabbing AAA twice, first on her left breast and then on her lower right breast "for reason he cannot understand."^[6] He also punched her several times when she attempted to grab the knife from him.

As to Isla's claim of insanity, Dr. Juan Villacorta (*Dr. Villacorta*) and Dr. Mary Gomez (*Dr. Gomez*) of the National Center for Mental Health (*NCMH*) were presented as qualified expert witnesses.

Dr. Villacorta testified that Isla was suffering from a major depressive disorder with psychotic features; that he manifested psychosis on account of his hallucinations, poor impulse control, poor judgment, and low frustration tolerance; and that he exhibited such behavioral pattern immediately prior to being jailed. Dr. Villacorta, however, could not say with definite certainty whether or not Isla was suffering from such mental disorder on July 21, 1997 as there was no examination conducted on Isla on the said date.^[7]

To corroborate Dr. Villacorta's findings, Dr. Gomez was presented. After a thorough interview and psychiatric testing on Isla, she likewise observed that Isla was suffering from a major depressive disorder which impaired his mental faculties. She said that his psychosis could have been existing prior to or about July 21, 1997 but again, like Dr. Villacorta, she opined that such finding could not be conclusive because of lack of information from other informants during that time.^[8]

Ruling of the RTC

On April 26, 2004, the *RTC* convicted Isla of the crimes of rape and frustrated murder. It did not give credence to his defense of insanity because it noted that Isla committed the crimes charged during a lucid interval. He knew that what he was doing was unlawful. There was no indication that he was deprived of reason or discernment and freedom of will when he committed all the acts attending the commission of the crime. The *RTC* gave no weight to the assertion of the defense that, based on the evaluations made by the doctors from *NCMH*, Isla was suffering from psychosis since 1992. It was of the impression that there was nothing in the testimony of these expert witnesses that Isla was suffering from psychosis long before the incident.^[9] On this note, his condition could not be equated with

imbecility; hence, he could not be exempt from criminal liability. Thus, the RTC ruled in this wise:

WHEREFORE, premises considered, judgment in these cases is hereby rendered as follows:

1. In Criminal Case No. Q-97-72079, the Court finds accused Edwin Isla y Rosell GUILTY beyond reasonable doubt of the crime of RAPE as defined and penalized under Art. 335 of the Revised Penal Code, and hereby SENTENCES him to suffer the penalty of reclusion perpetua and to indemnify complainant AAA the amount of Php50,000.00 as civil indemnity ex delicto, the amount of Php50,000.00 as moral damages, and to pay the cause of suit.
2. In Criminal Case No. Q-97-72078, the Court finds accused Edwin Isla y Rosell GUILTY beyond reasonable doubt of the crime of Frustrated Murder and hereby SENTENCES him to suffer the indeterminate penalty of eight (8) years and one (1) day of prision mayor as minimum to seventeen (17) years and four (4) months of reclusion temporal as maximum, and to indemnify complainant the sum of P10,000.00 for actual damages, and to pay the cause of suit.

SO ORDERED.^[10]

Ruling of the CA

Aggrieved, Isla interposed an appeal with the CA. On December 17, 2010, the CA denied the appeal and affirmed the RTC decision which found Isla to have acted with discernment when he committed the crimes. According to the CA, Isla exactly knew that what he was doing was evil so much so that he had to employ cunning means, by discreetly closing the windows and the door of the house and by resorting to threats and violence, to ensure the consummation of his dastardly deed. The fact that he scampered away after AAA was able to take the knife from him, would only show that he fully understood that he committed a crime for which he could be held liable.

The CA did not give weight to the expert testimonies given by the two psychiatric doctors either. Since the mental examination on Isla was taken four to six years after the commission of the crimes, the doctors could not say with definite certainty that he was suffering from psychosis immediately before or simultaneous to the commission of the crimes which was very vital for said defense to prosper. Thus, the CA affirmed the RTC decision.^[11]

Hence, the present appeal.

Both the prosecution and the defense opted not to file any supplemental briefs and manifested that they were adopting their arguments in their respective briefs filed before the CA. In his Appellant's Brief, the defense presented the following:

I.

THE TRIAL COURT SERIOUSLY ERRED IN CONVICTING THE ACCUSED-APPELLANT NOTWITHSTANDING THAT HIS GUILT HAS NOT BEEN PROVEN BEYOND REASONABLE DOUBT.

II.

THE TRIAL COURT GRAVELY ERRED IN NOT FINDING THAT THE ACCUSED-APPELLANT WAS INSANE AT THE TIME OF THE COMMISSION OF THE OFFENSE.

At the outset, this Court notes that there is no more question as to whether or not AAA was raped by Isla. The latter never denied this fact which can be gleaned from his direct testimony, to wit:

Atty. Erasmo (defense counsel)

Q: So when you left at 4:00, where did you proceed?

A: To my aunt at Balintawak.

Q: How about AAA, what happened to her if you know?

A: she was raped and stabbed, sir.

Q: **Who raped and stabbed AAA, if you know?**

A: Me, sir.

Q: What time did this happen?

A: 3:00 o'clock, sir.

Q: Now, how did you rape AAA?

A: I went inside their house.^[12]

(Emphases supplied)

That being so, what is left for this jurisdiction to resolve is whether or not Isla's claim of insanity is creditable so as to exculpate him of the crimes he admittedly committed.

This Court is not convinced with Isla's defense.

Article 12 of the Revised Penal Code (*RPC*) provides for one of the circumstances which will exempt one from criminal liability which is when the perpetrator of the act was an imbecile or insane, unless the latter has acted during a lucid interval. This circumstance, however, is not easily available to an accused as a successful defense. Insanity is the exception rather than the rule in the human condition. Under Article 800 of the Civil Code, the presumption is that every human is sane. Anyone who pleads the exempting circumstance of insanity bears the burden of proving it with clear and convincing evidence. It is in the nature of confession and avoidance. An accused invoking insanity admits to have committed the crime but claims that he or she is not guilty because of insanity. The testimony or proof of an accused's insanity must, however, relate to the time immediately preceding or simultaneous with the commission of the offense with which he is charged.^[13]

In the case at bench, the defense failed to overcome the presumption of sanity. The respective testimonies of Dr. Villacorta and Dr. Gomez of the NCMH, as qualified