

THIRD DIVISION

[G.R. No. 184343, March 02, 2009]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JESUS DOMINGO, ACCUSED-APPELLANT.

DECISION

CHICO-NAZARIO, J.:

Appellant Jesus Domingo assails the Decision^[1] of the Court of Appeals dated 30 April 2008 in CA-G.R. CR No. 30511, modifying the Decision^[2] dated 13 November 2006 of Branch 13 of the Regional Trial Court (RTC) of Malolos, Bulacan. The Court of Appeals found appellant guilty beyond reasonable doubt of murder in Criminal Cases No. 1496-M-2000 and No. 1497-M-2000, attempted murder in Criminal Cases No. 1498-M-2000 and No. 1501-M-2000, frustrated murder in Criminal Case No. 1500-M-2000, and frustrated homicide in Criminal Case No. 1499-M-2000.

On 7 March 2003, six Informations^[3] were filed before the RTC charging appellant with the following offenses:

Criminal Case No. 1496-M-2000 for Murder

"That on or about the 29th day of March 2000, in the municipality of San Rafael, Province of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with a kitchen knife and screw driver and with intent to kill one Marvin G. Indon, with evident premeditation, treachery and taking advantage of superior strength, did then and there willfully, unlawfully and feloniously attack, assault, stab and hit with the kitchen knife and screw driver said Marvin G. Indon, hitting him on his body thereby inflicting thereon mortal wounds which directly caused his death."

Criminal Case No. 1497-M-2000 for Murder

"That on or about the 29th day of March 2000, in the municipality of San Rafael, Province of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with a kitchen knife and screw driver and with intent to kill one Melissa G. Indon, with evident premeditation, treachery and taking advantage of superior strength, did then and there willfully, unlawfully and feloniously attack, assault, stab and hit with the kitchen knife and screw driver said Melissa G. Indon, hitting her on different parts of her body thereby inflicting thereon mortal wounds which directly caused her death."

Criminal Case No. 1498-M-2000 for Frustrated Murder

"That on or about the 29th day of March 2000, in the municipality of San Rafael, Province of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with kitchen knife and screw driver, did then and there willfully, unlawfully and feloniously, with evident premeditation and treachery attack, assault and hit with the said screw driver one Michelle G. Indon, a minor of 9 years old, hitting her on her back and buttocks, thereby inflicting on her serious physical injuries which ordinarily would have caused the death of the said Michelle G. Indon, 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, this is, by the timely and able medical assistance rendered to said Michelle G. Indon."

Criminal Case No. 1499-M-2000 for Frustrated Murder

"That on or about the 29th day of March 2000, in the municipality of San Rafael, Province of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with a kitchen knife and screw driver, did then and there willfully, unlawfully and feloniously, with evident premeditation and treachery, attack, assault, stab and hit with the said kitchen knife and screw driver one Ronaldo Galvez, hitting him on different part of his body, thereby inflicting on him serious physical injuries which ordinarily would have caused the death of Ronaldo Galvez, 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 said Ronaldo Galvez."

Criminal Case No. 1500-M-2000 for Frustrated Murder

"That on or about the 29th day of March 2000, in the municipality of San Rafael, Province of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with a kitchen knife and screw driver, did then and there willfully, unlawfully and feloniously, with evident premeditation and treachery, attack, assault, stab and hit with the said kitchen knife and screw driver one Raquel Gatpandan Indon, hitting her on the different parts of her body, thereby inflicting on her serious physical injuries which ordinarily would have caused the death of the said Raquel Gatpandan Indon, 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 said Raquel Gatpandan Indon."

Criminal Case No. 1501-M-2000 for Attempted Murder

"That on or about the 29th day of March 2000, in the municipality of San Rafael, Province of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with a kettle and with intent to kill one Jeffer G. Indon, did then and there willfully, unlawfully and feloniously, with evident premeditation and treachery,

commence the commission of murder directly by overt acts, that is by attacking, assaulting, and hitting the said Jeffer G. Indon, a 2 year old boy, with the kettle, hitting the latter on his head, thereby inflicting upon him physical injuries and if the accused was not able to accomplish his purpose, that is to kill the said Jeffer G. Indon, it was not because of his voluntary desistance but due to the timely intervention of third persons."

On 7 September 2000, appellant, with the assistance of counsel, was arraigned and he entered separate pleas of "Not Guilty" to the crimes charged. Thereafter, pre-trial conference was held, and trial ensued accordingly.^[4]

Evidence for the prosecution consisted of the testimonies of complainants Raquel Indon, Jeffer Indon, and Michelle Indon; Dr. Jacinto Caluag; Police Officer (PO) 3 Asher Villegas and PO2 Rogelio Santos.

Complainant Raquel Indon testified that between 1:00 a.m. and 2:00 a.m. of 29 March 2000, she and her minor children Melissa, Michelle, Marvin and Jeffer were sleeping inside their house in Caingin, San Rafael, Bulacan, when she was awakened by the sound of appellant kicking their door open. Raquel narrated that she immediately recognized the accused, since the kitchen light illuminated his face. Armed with a screwdriver and a kitchen knife, appellant cut the cord of the mosquito net and repeatedly stabbed her, using the six-inch screwdriver, and hit her right arm three times. She screamed and was heard by her sister-in-law, whose house was contiguous to theirs. When her sister-in-law asked her for the identity of the assailant, she immediately identified herein appellant as "Doser," a name by which he is known in the community. Appellant was angered by her reply and said, "*Anong Doser?*" and thereafter pulled a kitchen knife from his right side and stabbed her on the stomach. When she tried to escape from the room, four-year-old Marvin rushed towards her. She then grabbed him and ran towards the gate. However, before reaching the gate, she fell down and appellant stabbed her right leg. The appellant then proceeded to stab Marvin, hitting the latter twice on the arm and twice on his left chest. Marvin died on 3 April 2000 as a result of these injuries. After stabbing Marvin, appellant returned back to the house, towards Raquel's two daughters Michelle and Melissa. When Raquel pleaded that the appellant spare her daughters' lives, he retorted: "*Ngayon pa, nagawa ko na.*" Melissa died because of the stab wounds that the appellant inflicted on her; while Michelle, who was able to hide under the *papag* merely sustained serious physical injuries. The appellant also attacked two-year-old Jeffer by striking him on the head with the screwdriver, but the latter managed to run to the house of Raquel's sister-in-law. Raquel got up and ran for help, but the appellant followed her. Their neighbor, Ronaldo Galvez, came to their rescue and tried to subdue the appellant. Raquel, thereafter, lost consciousness. She also relayed that she was later informed that a struggle ensued between appellant and Galvez. Appellant inflicted wounds on Galvez's upper left chest and arms, after which Galvez was able to hit appellant with a piece of wood, which rendered the latter unconscious. Raquel, Melissa, Marvin, Jeffer, Galvez and the appellant were taken to the hospital.^[5]

Raquel also testified that she spent P15,000.00 for the casket of Melissa Indon, P27,000.00 for the burial expenses of Melissa Indon and Marvin Indon, and approximately P30,000.00 for the food served during their wake. She also stated that because of her stab wounds, she spent P90,000.00 for hospitalization expenses and medicines. However, the receipts were lost except those issued by Sagrada

Familia Hospital and Bulacan Provincial Hospital.^[6]

Jeffer Indon, who was five years old at the time he testified, stated that the scar on his forehead was the result of the stab wound inflicted by Doser. However, on cross-examination, he admitted that he did not know who stabbed him.^[7]

Michelle Indon identified the appellant as the man who stabbed her mother, her brother Marvin and her sister Melissa. She testified that the appellant stabbed her in the back once. Thereafter, she hid under the *papag*. She related that she did not go to the hospital anymore, because a certain *Nanang* Ella had already seen to her stab wound.^[8]

Dr. Jacinto Caluag stated under oath that he treated Raquel Indon for multiple stab wounds. He testified that he also assisted in the operation on Raquel to repair her liver and gallbladder, which were damaged. He also disclosed that Raquel would have gone into shock and died had she not been given medical attention.^[9]

Police officers Asher Villegas and Rogelio Santos testified that they proceeded to the scene of the crime after the neighbors of the complainant reported the incident. When they arrived at the crime scene, appellant was already tied up. They took pictures of the victims, while the kitchen knife and the screwdriver allegedly used by the appellant were turned over to Police Officer Villegas. The complainants and the appellant were then brought to the hospital. They recorded the incident in the Police Blotter and prepared the statements of the witnesses. After the accused was treated for injuries, he was brought to the police station and detained. When asked why he committed the crime, accused denied knowledge of what happened.^[10]

In an Order dated 10 July 2003, the trial court ordered that Ronaldo Galvez's testimony during his direct examination be stricken off the records due to his absences on the days he was scheduled to be cross-examined.^[11]

The documentary evidence offered by the prosecution included the following: (1) the sketches of Raquel Indon's house, to prove that the light from the kitchen allowed her to identify the appellant, marked as Exhibits "A to A-6;" (2) the Death Certificate of Marvin Indon marked as Exhibit "D;" (3) the Medico-Legal Certificates of Raquel Indon, Marvin Indon, Jeffer Indon, and Ronaldo Galvez marked as Exhibits "E," "F," "H," and "L," respectively; (4) the Birth Certificates of Marvin Indon and Michelle Indon marked as Exhibits "B" and "N;" (5) pictures of Melissa Indon's lifeless body marked as Exhibits "G" and "O;" (6) Sworn Statements of Ronaldo Galvez and Michelle Indon marked as Exhibits "K" and "M;" (7) Statement of Account of the Medical Expenses incurred by Raquel Indon, issued by Sagrada Familia Hospital in the amount of P38,500.00, marked as Exhibit "I;" and (8) Statement of Account of the Medical Expenses incurred by Raquel Indon, issued by the Bulacan Provincial Hospital, in the amount of P7,843.00, marked as Exhibit "J."^[12]

In his defense, appellant testified that prior to the incident, he was in good terms with the Indon family and that he had no record of mental illness. However on 20 March 2000, he went to East Avenue Medical Center for a medical check-up, and he was advised to have an operation. He suffered from sleeplessness, lack of appetite, and nervousness. Occasionally, a voice would tell him to kill. He averred that when

he regained his memory, one week had already passed since the incidents, and he was already detained. He only came to know of the incidents from his sister and his children who visited him. On cross-examination he admitted that when he regained his memory, he did not even ask the police officers why he was incarcerated.^[13]

Dr. Regienald Afroilan, a witness for the defense, also testified that appellant was first brought to the National Center for Mental Health (Center) in August 2004 for a psychiatric evaluation, psychological examination and final testing to determine if he could stand trial. Dr. Afroilan stated that based on his evaluation, appellant suffered from Schizophrenia, a mental disorder characterized by the presence of delusions and or hallucinations, disorganized speech and behavior, poor impulse control and low frustration tolerance. He could not find out when the appellant started to suffer this illness, but the symptoms of Schizophrenia which were manifested by the patient indicated that he suffered from the illness six months before the Center examined the appellant. On cross-examination, he clarified that the evaluation finding that appellant suffered from Schizophrenia covered the period when the appellant submitted himself to examination.^[14]

In a Decision dated 13 November 2006, the RTC decreed that the appellant was guilty beyond reasonable doubt of homicide in Criminal Cases No. 1496-M-00 and No. 1497-M-00, frustrated homicide in Criminal Cases No. 1499-M-00 and No. 1500-M-00, and attempted homicide in Criminal Cases No. 1498-M-00 and No. 1501-M-00. The RTC gave credence to the principal eyewitness, Raquel Indon, whose testimony was corroborated by Michelle Indon, regarding appellant's attack on 29 March 2000. The trial court found the appellant's defense of insanity unmeritorious, since what was presented was proof of appellant's mental disorder that existed five years after the incident, but not at the time the crimes were committed. The RTC also considered it crucial that appellant had the presence of mind to respond to Raquel Indon's pleas that her daughters be spared by saying, "*Ngayon pa, nagawa ko na.*" It also noted that based on the psychiatrist's findings, the appellant was competent to stand trial. However, the trial court declared that there were no qualifying circumstances to support the charges of Murder, Frustrated Murder or Attempted Murder.^[15] The dispositive part of the Decision dated 13 November 2006 reads:

WHEREFORE, premises considered, the Court finds the accused guilty beyond reasonable doubt of the crime of:

a) In Crim. Case No. 1496-M-00, Homicide, for the death of Marvin G. Indon, minor and hereby sentences him to suffer the indeterminate penalty of seven (7) years of *prision mayor* as minimum to thirteen (13) years of reclusion temporal as maximum; and to indemnify the heirs of the deceased in the amount of P75,000.00.

b) In Crim. Case No. 1497-M-00, Homicide, for the death of Melissa Indon, and hereby sentences him to suffer the indeterminate penalty of seven (7) years of *prision mayor* as minimum to thirteen (13) years of reclusion temporal as maximum; and to indemnify the heirs of the deceased in the amount of P75,000.00.

c) In Crim. Case No. 1498-M-00, Attempted Homicide, and hereby