

## SECOND DIVISION

[ G.R. NO. 172697, September 25, 2007 ]

**PEOPLE OF THE PHILIPPINES, APPELLEE, VS. REYNALDO VILLANUEVA Y MARQUEZ, APPELLANT.**

### RESOLUTION

**CARPIO, J.:**

This is an appeal from the 21 February 2006 Decision<sup>[1]</sup> of the Court of Appeals in CA-G.R. CR HC No. 00539. The Court of Appeals affirmed with modification the decision of the trial court finding appellant Reynaldo Villanueva y Marquez guilty beyond reasonable doubt of murder, frustrated murder, and attempted murder.

In the afternoon of 21 January 2000, appellant, then 31 years old, killed his niece Angelica Villanueva (Angelica), aged 8, by boxing her on the head and kicking her several times on the different parts of her body.<sup>[2]</sup> Appellant also mauled his nephews Rexie Villanueva (Rexie) and Enrique, Villanueva, Jr. (Enrique, Jr.), aged 5 and 2, respectively.

Angelica died of massive brain edema, cerebral contusion, subdural hemorrhage due to mauling. Rexie sustained injuries, which could have resulted to massive brain edema and his subsequent death, were it not for the medical intervention. Enrique, Jr. suffered a broken mouth and was confined at the Baguio General Hospital (BGH) for four days.

Consequently, appellant was charged with murder for the death of Angelica, frustrated murder for the serious injuries suffered by Rexie, and attempted murder for the injuries inflicted on Enrique, Jr. The corresponding Informations<sup>[3]</sup> were filed before the Regional Trial Court of Baguio City, Branch 6, for murder,<sup>[4]</sup> frustrated murder, and attempted murder. The cases were docketed as Criminal Case No. 17427-R for murder, Criminal Case No. 17429-R for frustrated murder, and Criminal Case No. 17428-R for attempted murder.

Appellant pleaded insanity. He claimed that he did not know that he killed his niece Angelica and that he mauled his nephews Rexie and Enrique, Jr.

However, appellant was able to narrate vividly the events prior to the commission of the brutal crimes. In the morning of 21 January 2000, appellant consulted Dr. Clarette Rosario P. Dy (Dr. Dy) of the Psychiatric Department of BGH for a follow-up check-up. Dr. Dy prescribed medicines; then, she allowed appellant to go home. From BGH, appellant went to 456 Restaurant along Session Road, where he ordered several bottles of Red Horse beer. After leaving the restaurant, he strolled along Session Road, Maharlika Livelihood Center, and Burnham Park. On his way home, he passed by a videoke bar along Magsaysay Avenue, where he ordered more Red Horse beer. A lady joined him in his table so he ordered drinks for her. He took turns

in passing the microphone and singing. He paid a total of P650 for their drinks. He only had enough fare when he left the videoke bar past 4:00 p.m. Upon reaching home, he went to buy some hot dogs which he cooked since he was hungry. When his mother asked if she could have some, appellant got irked because he did not have breakfast and lunch. He told her that she must have eaten already as it was late in the afternoon. His mother got scared of him and ran away. Appellant was so peeved that he wanted to give vent to his anger. After finishing his food, he went to his mother's room. It was at this point that appellant committed the crimes.

Dr. Dy testified that she had been attending to appellant for about four years already at the Psychiatric Department of BGH. She opined that appellant is suffering from a mental disorder classified as schizophrenia, paranoid, episodic with interepisode residual symptoms characterized by intermittent episodes of psychotic signs and symptoms. Dr. Dy said that this type of illness is recurrent and not permanent.

Appellant's mother testified that appellant had a tendency to have violent fits when angry and under the influence of liquor or drugs.

In its Decision of 11 March 2002,<sup>[5]</sup> the trial court found appellant guilty of murder under Article 248 of the Revised Penal Code, as amended by Section 6 of Republic Act No. 7659, frustrated murder, and attempted murder. The trial court held that appellant failed to overcome the presumption of sanity. The defense evidence even showed that appellant was sane at the time the crimes were committed. There was sufficient evidence that immediately prior to the commission of the crimes, appellant was not completely deprived of reason or discernment and freedom of will. The trial court found it strange that appellant's memory was sharp as to the incidents prior to the commission of the crimes but "stood still at that very crucial moment when he mortally injured his victims." Thereafter, appellant's memory returned when he was already at the hospital.

The dispositive portion of the trial court's decision reads:

WHEREFORE, judgment is hereby rendered as follows:

1. In Criminal Case No. 17427-R, the Court finds the accused Reynaldo Villanueva guilty beyond reasonable doubt of the offense of Murder defined and penalized under Art. 248 of the Revised Penal Code as amended by Sec. 6 of Republic Act 7659 as charged in the Information, and hereby sentences him to suffer the penalty of Reclusion Perpetua; to indemnify the heirs of the deceased Angelica Villanueva the sum of P50,000.00 as civil indemnity for her death and P200,000.00 as Moral Damages for the pain and anguish suffered by the heirs as a result of her death, all indemnifications are without subsidiary imprisonment in case of insolvency and to pay the costs of suit.

The accused Reynaldo Villanueva being a detention prisoner is entitled to be credited 4/5 of his preventive imprisonment in the service of his sentence in accordance with Art. 29 of the Revised Penal Code.

2. In Criminal Case No. 17428-R, the Court finds the accused Reynaldo Villanueva guilty beyond reasonable doubt of the offense of Frustrated Murder defined and penalized under Art. 248 in relation to Art. 50 and Art. 6 of the Revised Penal Code as charged in the Information, for the injuries suffered by Rexie Villanueva and hereby sentences to an imprisonment ranging from 10 years and 1 day of *Prision Mayor* as Minimum to 14 years and 1 day of *Reclusion Temporal* as Maximum; to indemnify Rexie Villanueva the sum of P100,000.00 as Moral Damages for his injuries, all indemnification are without subsidiary imprisonment in case of insolvency and to pay the costs of suit.

The accused Reynaldo Villanueva being a detention prisoner is entitled to be credited 4/5 of his preventive imprisonment in the service of his sentence in accordance with Art. 29 of the Revised Penal Code.

3. In Criminal Case No. 17429-R, the Court finds the accused Reynaldo Villanueva guilty beyond reasonable doubt of the offense of Attempted Murder defined and penalized under Art. 248 in relation to Art. 51 and Art. 6 of the Revised Penal Code as charged in the Information, for the injuries suffered by Enrique Villanueva, [Jr.] and hereby sentences him to an imprisonment ranging from 6 months and 1 day of *Prision Correccional* as Minimum to 8 years and 1 day of *Prision Mayor* Maximum; to indemnify Enrique Villanueva, Jr. the sum of P50,000.00 as Moral Damages, all indemnifications are without subsidiary imprisonment in case of insolvency and to pay the costs of suit.

The accused Reynaldo Villanueva being a detention prisoner is entitled to be credited 4/5 of his preventive imprisonment in the service of his sentence in accordance with Art. 29 of the Revised Penal Code.

SO ORDERED.<sup>[6]</sup>

In its Decision of 21 February 2006, the Court of Appeals affirmed with modification the trial court's decision. The appellate court found appellant's schizophrenia a mitigating circumstance under Article 13(9)<sup>[7]</sup> of the Revised Penal Code. The appellate court reduced the award of moral damages and modified the penalty imposed on appellant for attempted murder.

WHEREFORE, the appealed decision of the Regional Trial Court of Baguio City (Branch 6) is MODIFIED in that (i) it is in Crim. Case No. 17429-R where accused-appellant Reynaldo Villanueva y Marquez is adjudged guilty beyond reasonable doubt of the crime of frustrated murder and meted [out] the indeterminate penalty of ten (10) years and one (1) day of *prision mayor*, as minimum, to fourteen (14) years and one (1) day of *reclusion temporal*, as maximum; (ii) it is in Crim. Case No. 17428-R where said accused-appellant is adjudged guilty beyond reasonable doubt of the crime of attempted murder, for which he is sentenced to suffer the indeterminate penalty of six (6) months and one (1) day of *prision*