

EN BANC

[G.R. No. 138453, May 29, 2002]

**PEOPLE OF THE PHILIPPINES, APPELLEE, VS. MELECIO ROBIÑOS
Y DOMINGO, APPELLANT.**

DECISION

PANGANIBAN, J.:

Where the law prescribes a penalty consisting of two indivisible penalties, as in the present case for parricide with unintentional abortion, the lesser one shall be applied in the absence of any aggravating circumstances. Hence, the imposable penalty here is *reclusion perpetua*, not death.

The Case

For automatic review by this Court is the April 16, 1999 Decision^[1] of the Regional Trial Court (RTC) of Camiling, Tarlac (Branch 68), in Criminal Case No. 95-45, finding Melecio Robiños^[2] y Domingo guilty beyond reasonable doubt of the complex crime of parricide with unintentional abortion and sentencing him to death. The decretal portion of the Decision reads as follows:

"WHEREFORE, finding accused Melecio Robiños guilty beyond reasonable doubt of the complex crime of parricide with unintentional abortion, this Court hereby renders judgment sentencing him to suffer the penalty of DEATH by lethal injection. He is also ordered to pay P50,000.00 as civil indemnity for the death of the victim; and P22,800.00 as actual damages."^[3]

In an Information dated May 31, 1995,^[4] appellant was accused of killing his pregnant wife and the fetus inside her. It reads thus:

"That on or about March 25, 1995 at around 7:00 a.m. in Brgy. San Isidro, Municipality of Camiling, Province of Tarlac, Philippines and within the jurisdiction of this Honorable Court, the said accused Melecio Robinos, did then and there willfully, unlawfully and feloniously stab by means of a bladed knife 8 inches long, his legitimate wife Lorenza Robinos, who was, then six (6) months pregnant causing the instantaneous death of said Lorenza Robinos, and the fetus inside her womb."^[5]

When arraigned on July 27, 1995, appellant, with the assistance of his counsel,^[6] pleaded not guilty.^[7] After due trial, the RTC convicted him.

The Facts

Version of the Prosecution

The Office of the Solicitor General (OSG) narrates the prosecution's version of how appellant assaulted his pregnant wife, culminating in a brutal bloodbath, as follows:

"1. On March 25, 1995, at around seven o'clock in the morning, fifteen-year old Lorenzo Robiños was in his parents' house at Barangay San Isidro in Camiling, Tarlac. While Lorenzo was cooking, he heard his parents, appellant Melecio Robiños and the victim Lorenza Robiños, who were at the sala, quarrelling.

"2. Lorenzo heard his mother tell appellant, 'Why did you come home, why don't you just leave?' After hearing what his mother said, Lorenzo, at a distance of about five meters, saw appellant, with a double-bladed knife, stab Lorenza on the right shoulder. Blood gushed from where Lorenza was hit and she fell down on the floor. Upon witnessing appellant's attack on his mother, Lorenzo immediately left their house and ran to his grandmother's house where he reported the incident.

"3. At around eight o'clock in the morning of the same day, Benjamin Bueno, the brother of the victim Lorenza Robiños, was at the house of his mother Remedios Bueno at Barangay San Isidro. Benjamin, a resident of Barangay Mabilang in Paniqui, Tarlac, went to his mother's house for the purpose of informing his relatives that on the evening of March 24, 1995, appellant had killed his uncle, Alejandro Robiños, at Barangay Mabilang. However while Benjamin was at his mother's house, he received the more distressing news that his own sister Lorenza had been killed by appellant.

"4. Upon learning of the attack on his sister, Benjamin did not go to her house because he was afraid of what appellant might do. From his mother's house, which was about 150 meters away from his sister's home, Benjamin saw appellant who shouted at him, 'It's good you would see how your sister died.'

"5. Benjamin sought the help of Barangay Captain Virgilio Valdez who called the police station at Camiling, Tarlac. SPO1 Herbert Lugo and SPO3 Tirso Martin, together with the other members of the PNP Alert Team at Camiling, Tarlac, immediately went to Barangay San Isidro. The police, together with Benjamin Bueno and some barangay officials and barangay folk, proceeded to the scene of the crime where they saw blood dripping from the house of appellant and Lorenza. The police told appellant to come out of the house. When appellant failed to come out, the police, with the help of barangay officials, detached the bamboo wall from the part of the house where blood was dripping. The removal of the wall exposed that section of the house where SPO1 Lugo saw appellant embracing [his] wife.

"6. Appellant and Lorenza were lying on the floor. Appellant, who was lying on his side and holding a bloodstained double-bladed knife with his right hand, was embracing his wife. He was uttering the words, 'I will kill myself, I will kill myself.' Lorenza, who was lying on her back and facing

upward, was no longer breathing. She appeared to be dead.

"7. The police and the barangay officials went up the stairs of the house and pulled appellant away from Lorenza's body. Appellant dropped the knife which was taken by SPO3 Martin. Appellant tried to resist the people who held him but was overpowered. The police, with the help of the barangay officials present, tied his hands and feet with a plastic rope. However, before he was pulled away from the body of his wife and restrained by the police, appellant admitted to Rolando Valdez, a neighbor of his and a barangay kagawad, that he had killed his wife, showing him the bloodstained knife.

"8. Upon examining Lorenza, SPO1 Lugo found that she was already dead. She was pale and not breathing. The police thus solicited the services of a funeral parlor to take Lorenza's body for autopsy. Appellant was brought to the police station at Camiling, Tarlac. However, he had to be taken to the Camiling District Hospital for the treatment of a stab wound.

"9. After the incident, Senior Inspector Reynaldo B. Orante, the Chief of Police at Camiling, Tarlac, prepared a Special Report which disclosed that:

'The victim Lorenza Robiños was six (6) months pregnant. She suffered 41 stab wounds on the different parts of her body.

'That suspect (Melecio Robiños) was under the influence of liquor/drank [who] came home and argued/quarreled with his wife, until the suspect got irked, [drew] a double knife and delivered forty one (41) stab blows.

'Suspect also stabbed his own body and [was] brought to the Provincial Hospital.

'Recovered from the crime scene is a double blade sharp knife about eight (8) inches long including handle.'

"10. During the trial of the case, the prosecution was not able to present the doctor who conducted the autopsy on Lorenza Robiños' body. Nor, was the autopsy report presented as evidence."^[8]

Version of the Defense

Appellant does not refute the factual allegations of the prosecution that he indeed killed his wife, but seeks exoneration from criminal liability by interposing the defense of insanity as follows:

"Pleading exculpation, herein accused-appellant interposed insanity. The defense presented the testimonies of the following:

"**FEDERICO ROBIÑOS**, 19 years old son of Melecio Robiños, testified that his parents had occasional quarrels[. B]efore March 23, 1995, his

father told him that he had seen a person went [sic] inside their house and who wanted to kill him. On March 23, 1995, he heard his father told the same thing to his mother and because of this, his parents quarreled and exchanged heated words.

"**LOURDES FAJARDO**, nurse of the Tarlac Penal Colony, testified that she came to know Melecio Robiños only in May to June 1996. Every time she visited him in his cell, accused isolated himself, 'laging nakatingin sa malayo', rarely talked, just stared at her and murmured alone.

"**BENEDICT REBOLLOS**, a detention prisoner of the Tarlac Penal Colony, testified that he and the accused were seeing each other everyday from 6:00 o'clock in the morning up to 5:30 o'clock in the afternoon. He had observed that accused sometime[s] refused to respond in the counting of prisoners. Sometimes, he stayed in his cell even if they were required to fall in line in the plaza of the penal colony.

"**DOMINGO FRANCISCO**, another detention prisoner of the Tarlac Penal Colony, testified that as the accused's inmate, he had occasion to meet and mingle with the latter. Accused sometimes was lying down, sitting, looking, or staring on space and without companion, laughing and sometimes crying.

"**MELECIO ROBIÑOS**, herein accused-appellant, testified that on March 25, 1995, he was in their house and there was no unusual incident that happened on that date. He did not know that he was charged for the crime of parricide with unintentional abortion. He could not remember when he was informed by his children that he killed his wife. He could not believe that he killed his wife."^[9]

In view of the penalty imposed by the trial court, this case was automatically elevated to this Court for review.^[10]

The Issues

Appellant submits for our consideration the following assignment of errors:

"I

The court a quo erred in not giving probative weight to the testimony and psychiatric evaluation of Dr. Maria Mercedita Mendoza finding the accused-appellant to be suffering from psychosis or insanity classified under schizophrenia, paranoid type.

"II

The court a quo erred in disregarding accused-appellant's defense of insanity."^[11]

The Court's Ruling

The appeal is partly meritorious.

Main Issue
Insanity as an Exempting Circumstance

At the outset, it bears noting that appellant did not present any evidence to contravene the allegation that he killed his wife. Clear and undisputed are the RTC findings on the identity of the culprit and the commission of the complex crime of parricide with unintentional abortion. Appellant, however, interposes the defense of insanity to absolve himself of criminal liability.

Insanity presupposes that the accused was completely deprived of reason or discernment and freedom of will at the time of the commission of the crime.^[12] A defendant in a criminal case who relies on the defense of mental incapacity has the burden of establishing the fact of insanity at the very moment when the crime was committed.^[13] Only when there is a complete deprivation of intelligence *at the time of the commission of the crime* should the exempting circumstance of insanity be considered.^[14]

The presumption of law always lies in favor of sanity and, in the absence of proof to the contrary, every person is presumed to be of sound mind.^[15] Accordingly, one who pleads the exempting circumstance of insanity has the burden of proving it.^[16] Failing this, one will be presumed to be sane when the crime was committed.

A perusal of the records of the case reveals that appellant's claim of insanity is unsubstantiated and wanting in material proof. Testimonies from both prosecution and defense witnesses show no substantial evidence that appellant was completely deprived of reason or discernment when he perpetrated the brutal killing of his wife.

As can be gleaned from the testimonies of the prosecution witnesses, a domestic altercation preceded the fatal stabbing. Thus, it cannot be said that appellant attacked his wife for no reason at all and without knowledge of the nature of his action. To be sure, his act of stabbing her was a deliberate and conscious reaction to the insulting remarks she had hurled at him as attested to by their 15-year-old son Lorenzo Robiños. We reproduce Lorenzo's testimony in part as follows:

"Q: Before your father Melecio Robiños stabbed your mother, do you recall if they talked to one and the other?

A: Yes, sir.

ATTY. IBARRA:

Q: Did you hear what they talked about?

A: Yes, sir.

Q: What did you hear?

A: 'Why did you come home, why don't you just leave?', Sir.

COURT:

In other words, you better go away, you should have not come back home.