

SECOND DIVISION

[G.R. No. 129899, April 27, 2000]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
RODOLFO VILLA, JR. Y DELGADO, ACCUSED-APPELLANT.**

D E C I S I O N

BELLOSILLO, J.:

RODOLFO VILLA, JR. Y DELGADO appeals from the Decision of the trial court convicting him of four (4) separate crimes of Murder qualified by treachery and sentencing him to *reclusion perpetua* for each murder. He was also ordered to indemnify the heirs of his four (4) victims in the amount of P50,000.00 for each group of heirs or a total of P200,000.00.^[1]

The antecedents: In the early morning of 22 June 1991 Dionito Fernandez was cutting grass in his yard in New Cabalan, Olongapo City. Accused Rodolfo Villa, Jr., a member of the CAFGU and neighbor of Dionito, suddenly came out of his house with his M-1 Garand rifle^[2] and shot Dionito from behind killing him instantly. Ronald Fernandez and Sheila Fernandez, children of Dionito, rushed to their father's rescue after hearing the gunshot but the accused also fired at them fatally hitting Ronald who was embracing his father, and mortally wounding Sheila on the thigh and stomach. Samuel Eclevia, another neighbor of the Fernandezes, attempted to wrestle the rifle from the accused but Samuel too was gunned down.

After his rampage, Rodolfo Villa Jr. surrendered to a certain Captain Dolino of S2 OMDC (Olongapo Metropolitan District Command).^[3] Rodolfo was accordingly charged with multiple murder. When arraigned on 3 October 1991 he entered a plea of not guilty. Later however his counsel, Atty. Cipriano Dumpit, manifested in open court that the accused was desirous of changing his plea to guilty. Thereafter, the accused invoked self-defense insofar as Dionito Fernandez was concerned, as the latter tried to stab him with a bolo. Thus, according to the accused, he was forced to shoot Dionito with his rifle.^[4] The trial court then proceeded to propound searching questions on the accused to determine whether he understood the nature and consequences of his change of plea, and upon being satisfied with the answers given by the accused who was assisted by counsel, the court allowed the change of plea.^[5]

Meanwhile, on 16 July 1992, the trial court issued an order appointing Atty. Romeo Alinea as counsel *de officio* for the accused, as his counsel *de parte* Atty. Cipriano Dumpit was unavailable due to his ongoing medical treatment.^[6] Before the defense could present its evidence, however, counsel *de officio* Alinea manifested his inability to confer with the accused but moved that a psychiatric examination of the accused be made at the National Center for Mental Health to determine his mental condition. The motion was granted and the accused was examined at the Olongapo City

General Hospital to ascertain whether he was suffering from mental illness before, during and after the commission of the crimes.^[7]

Dr. Romeo Enriquez, the examining psychiatrist at the Olongapo City General Hospital, recommended that the accused be confined at the National Center for Mental Health, Forensic Pavillion, where an evaluation process for the possibility of insanity could be made.^[8] Thus, on 4 November 1994, the accused was confined and treated at the National Center for Mental Health, under the direct supervision of Dr. Celeste A. C. Peña, Medical Officer III, and Dr. Isagani S. Gonzales, Medical Specialist II, Physician-in-charge Male Court Case Pavillion.

On 21 December 1994, after more than a month of psychiatric evaluation, the attending physicians submitted to the trial court a psychiatric evaluation report,^[9] which stated in part -

PSYCHIATRIC EVALUATION RESULTS:

Evaluation shows that the patient is suffering from Insanity or Psychosis classified as Schizophrenia. This is a mental illness characterized by deterioration in social and occupational functioning, auditory hallucination, delusion, thought disturbances and poor judgment. He is at present incompetent to stand trial.

REMARKS AND RECOMMENDATIONS:

He is recommended for further confinement and treatment.

Six (6) months later, or on 5 June 1995, a follow-up report on the patient's psychiatric status was made, this time by Dr. Cheryl Zalsos, with remarks that the patient's status had improved enough for him to withstand the rigors of the trial. Thus, Adoracion Manuit, Officer-in-Charge of the Legal Section, National Center for Mental Health, filed a *Petition for Release* praying that the accused be discharged and returned to jail for the speedy disposition of his case, and further recommending that he be allowed to undergo periodic check-up to sustain his improved mental state as well as to prevent a relapse of his illness.^[10] In its Order of 21 June 1995 the trial court granted the petition and the trial resumed with the accused now raising insanity as a defense.

On 3 April 1997 the trial court disregarded the defense of insanity and forthwith convicted the accused of the crimes charged. Thus -

The court is not convinced that the accused was suffering from insanity of schizophrenic type before or during the killing. The evaluation reports do not say so in unequivocal terms. Dr. Zalsos, during her direct testimony, did not testify to that effect. In her cross examination, she, however, mentioned in passing that the accused was suffering from schizophrenia during the commission of the offense. The court noted that she was unsure of her allegation. The said reports and the testimony of Dr. Zalsos simply revealed that the accused suffered from insanity or psychosis classified as schizophrenia. In order that insanity can be considered as an exempting circumstance, it must be shown to exist just before or during the commission of the offense (People v. Aquino, 186

SCRA 851). Also, in order to exempt the accused from criminal liability it must be shown beyond cavil of doubt that there was complete deprivation of reason or discernment and freedom of the will at the time of the commission of the crime (People v. Renegado, 57 SCRA 275). These the accused failed to prove.

In resolving this appeal we need not inquire into the killing of the victims as this was already admitted by accused-appellant, nor into his theory of self-defense which he did not pursue, much more prove, during the trial. The only issue to be resolved is whether accused-appellant was insane during the commission of the crimes as would exempt him from criminal liability.

We affirm the judgment of conviction. Insanity exists when there is complete deprivation of intelligence while committing the act, i.e., the accused is deprived of reason, he acts without the least discernment because there is complete absence of power to discern, or that 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.^[11]

Insanity is evinced by a deranged and perverted condition of the mental faculties which is manifested in language and conduct. An insane person has no full and clear understanding of the nature and consequences of his acts. Hence, insanity may be shown by the surrounding circumstances fairly throwing light on the subject, such as evidence of the alleged deranged person's general conduct and appearance, his acts and conduct consistent with his previous character and habits, his irrational acts and beliefs, as well as his improvident bargains. The vagaries of the mind can only be known by outward acts, by means of which we read thoughts, motives and emotions of a person, and through which we determine whether the acts conform to the practice of people of sound mind.^[12]

Examining the evidence on record, we are convinced that accused-appellant was sane at the time he perpetrated the killings. The following circumstances clearly and unmistakably negate a complete absence of intelligence on his part: (a) Immediately after he killed the victims he thought of surrendering to the PC Detachment in Olongapo City; (b) He showed remorse during his confinement at the Mental Hospital;^[13] and, (c) He was able to give a *Sworn Statement* before the Prosecutor's Office in Olongapo City immediately after the commission of the crimes narrating his version of the incident.^[14] These are hardly the acts of a person with a sick mind. In *People v. Ambal*^[15] we held: "The fact that immediately after the incident (accused) thought of surrendering to the law-enforcement authorities is incontestable proof that he knew that what he had done was wrong and that he was going to be punished for it." Similarly, a feeling of remorse is inconsistent with insanity, as it is a clear indication that he was conscious of his acts, he acknowledged his guilt and was sorry for them.

What militates heavily against his plea of insanity is his signed statement before the Prosecutor's Office dated 11 October 1991 which manifests on its face that he was mentally sound at the time of the killings. The Sworn Statement is quoted hereunder for better appreciation and ready reference -