

EN BANC

[G.R. No. 130487, June 19, 2000]

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
ROBERTO ESTRADA, ACCUSED-APPELLANT.**

D E C I S I O N

PUNO, J.:

This is an automatic review of the death penalty imposed on accused-appellant by the Regional Trial Court, Branch 44, Dagupan City in Criminal Case No. 94-00860-D.

[1] We nullify the proceedings in the court *a quo* and remand the case for proper disposition.

In an Information dated December 29, 1994, accused-appellant Roberto Estrada y Lopez was charged with the crime of murder for the killing of one Rogelio P. Mararac, a security guard. The Information reads:

"That on or about the 27th day of December 1994 in the City of Dagupan, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, ROBERTO ESTRADA Y LOPEZ, being then armed with a butcher's knife, with intent to kill one ROGELIO P. MARARAC with treachery and committed in a holy place of worship, did then and there, wilfully, unlawfully and criminally, attack, assault and use personal violence upon the latter by stabbing him, hitting him on vital parts of his body with the said weapon, thereby causing his death shortly thereafter due to "Cardiorespiratory Arrest, Massive Intrathoracic Hemorrhage, Stab Wound" as per Autopsy Report and Certificate of Death both issued by Dr. Tomas G. Cornel, Assistant City Health Officer, this City, to the damage and prejudice of the legal heirs of said deceased ROGELIO P. MARARAC in the amount of not less than FIFTY THOUSAND PESOS (P50,000.00), Philippine currency, and other consequential damages.

Contrary to Article 248 of the Revised Penal Code.

Dagupan City, Philippines, December 29, 1994." [2]

At the arraignment on January 6, 1995, accused-appellant's counsel, the Public Attorney's Office, filed an "Urgent Motion to Suspend Arraignment and to Commit Accused to Psychiatric Ward at Baguio General Hospital." It was alleged that accused-appellant could not properly and intelligently enter a plea because he was suffering from a mental defect; that before the commission of the crime, he was confined at the psychiatric ward of the Baguio General Hospital in Baguio City. He prayed for the suspension of his arraignment and the issuance of an order confining him at the said hospital. [3]

The motion was opposed by the City Prosecutor. The trial court, *motu proprio*, propounded several questions on accused-appellant. Finding that the questions were understood and answered by him "intelligently," the court denied the motion that same day.^[4]

The arraignment proceeded and a plea of not guilty was entered by the court on accused-appellant's behalf.^[5]

The prosecution presented four (4) witnesses, namely: (1) Dr. Tomas Cornel, the Assistant Health Officer of Dagupan City who issued the death certificate and conducted the autopsy on the victim; (2) Crisanto Santillan, an eyewitness to the incident; (3) SPO1 Conrado Francisco, one of the policemen who apprehended accused-appellant; and (4) Rosalinda Sobremonte, the victim's sister. The prosecution established the following facts:

In the morning of December 27, 1994, at the St. John's Cathedral, Dagupan City, the sacrament of confirmation was being performed by the Roman Catholic Bishop of Dagupan City on the children of Dagupan. The cathedral was filled with more than a thousand people. At 11:00 A.M., nearing the close of the rites, the Bishop went down the altar to give his final blessing to the children in the front rows. While the Bishop was giving his blessing, a man from the crowd went up and walked towards the center of the altar. He stopped beside the Bishop's chair, turned around and, in full view of the Catholic faithful, sat on the Bishop's chair. The man was accused-appellant. Crisanto Santillan, who was assisting the Bishop at the rites, saw accused-appellant. Santillan approached accused-appellant and requested him to vacate the Bishop's chair. Gripping the chair's armrest, accused-appellant replied in Pangasinense: "No matter what will happen, I will not move out!" Hearing this, Santillan moved away.^[6]

Some of the churchgoers summoned Rogelio Mararac, the security guard at the cathedral. Mararac went near accused-appellant and told him to vacate the Bishop's chair. Accused-appellant stared intensely at the guard. Mararac grabbed his nightstick and used it to tap accused-appellant's hand on the armrest. Appellant did not budge. Again, Mararac tapped the latter's hand. Still no reaction. Mararac was about to strike again when suddenly accused-appellant drew a knife from his back, lunged at Mararac and stabbed him, hitting him below his left throat. Mararac fell. Accused-appellant went over the victim and tried to stab him again but Mararac parried his thrust. Accused-appellant looked up and around him. He got up, went to the microphone and shouted: "Anggapuy nayan dia!" (No one can beat me here!). He returned to the Bishop's chair and sat on it again. Mararac, wounded and bleeding, slowly dragged himself down the altar.^[7]

Meanwhile, SPO1 Conrado Francisco, who was directing traffic outside, received a report of a commotion inside the cathedral. Rushing to the cathedral, SPO1 Francisco saw a man, accused-appellant, with red stains on his shirt and a knife in one hand sitting on a chair at the center of the altar. He ran to accused-appellant and advised him to drop the knife. Accused-appellant obeyed. He dropped the knife and raised his hands. Thereupon, Chief Inspector Wendy Rosario, Deputy Police Chief, Dagupan City, who was attending the confirmation rites at the Cathedral, went near accused-appellant to pick up the knife. Suddenly, accused-appellant

embraced Chief Inspector Rosario and the two wrestled with each other. Chief Inspector Rosario was able to subdue accused-appellant. The police came and when they frisked appellant, they found a leather scabbard tucked around his waist.^[8] He was brought to the police station and placed in jail.

In the meantime, Mararac, the security guard, was brought to the hospital where he expired a few minutes upon arrival. He died of "cardio-respiratory arrest, massive, intra-thoracic hemorrhage, stab wound."^[9] He was found to have sustained two (2) stab wounds: one just below the left throat and the other on the left arm. The autopsy reported the following findings:

"EXTERNAL FINDINGS

1. Stab wound, along the parasternal line, level of the 2nd intercostal space, left, 1 ½" x 1 ½" penetrating. The edge of one side of the wound is sharp and pointed.
2. Stab wound, antero-lateral aspect, distal 3rd, arm, left, ½" x ¼" x ½". The edge of one side of the wound is sharp and pointed.

INTERNAL FINDINGS

Massive intrathoracic, left, hemorrhage with perforation of the upper and lower lobe of the left lung. The left pulmonary blood vessel was severely cut."^[10]

After the prosecution rested its case, accused-appellant, with leave of court, filed a "Demurrer to Evidence." He claimed that the prosecution failed to prove the crime of murder because there was no evidence of the qualifying circumstance of treachery; that there was unlawful aggression by the victim when he tapped accused-appellant's hand with his nightstick; and that accused-appellant did not have sufficient ability to calculate his defensive acts because he was of unsound mind.^[11]

The "Demurrer to Evidence" was opposed by the public prosecutor. He alleged that the accused "pretended to be weak, tame and of unsound mind;" that after he made the first stab, he "furiously continued stabbing and slashing the victim to finish him off undeterred by the fact that he was in a holy place where a religious ceremony was being conducted;" and the plea of unsound mind had already been ruled upon by the trial court in its order of January 6, 1995.^[12]

On February 21, 1995, a letter was sent by Inspector Wilfredo F. Valdez, Jail Warden of Dagupan City to the trial court. Inspector Valdez requested the court to allow accused-appellant, who was confined at the city jail, to be treated at the Baguio General Hospital to determine whether he should remain in jail or be transferred to some other institution. The other prisoners were allegedly not comfortable with appellant because he had been exhibiting unusual behavior. He tried to climb up the jail roof so he could escape and see his family.^[13]

As ordered by the trial court, the public prosecutor filed a Comment to the jail warden's letter. He reiterated that the mental condition of accused-appellant to stand trial had already been determined; unless a competent government agency certifies otherwise, the trial should proceed; and the city jail warden was not the proper person to determine whether accused-appellant was mentally ill or not.^[14]

In an order dated August 21, 1995, the trial court denied the "Demurrer to Evidence".^[15] Accused-appellant moved for reconsideration.

While the motion for reconsideration was pending, on February 26, 1996, counsel for accused-appellant filed a "Motion to Confine Accused for Physical, Mental and Psychiatric Examination." Appellant's counsel informed the court that accused-appellant had been exhibiting abnormal behavior for the past weeks; he would shout at the top of his voice and cause panic among the jail inmates and personnel; that appellant had not been eating and sleeping; that his co-inmates had been complaining of not getting enough sleep for fear of being attacked by him while asleep; that once, while they were sleeping, appellant took out all his personal effects and waste matter and burned them inside the cell which again caused panic among the inmates. Appellant's counsel prayed that his client be confined at the National Center for Mental Health in Manila or at the Baguio General Hospital.^[16] Attached to the motion were two (2) letters. One, dated February 19, 1996, was from Inspector Pedrito Llopis, Jail Warden, Dagupan City, addressed to the trial court judge informing him of appellant's irrational behavior and seeking the issuance of a court order for the immediate psychiatric and mental examination of accused-appellant.^[17] The second letter, dated February 21, 1996, was addressed to Inspector Llopis from the Bukang Liwayway Association, an association of inmates in the Dagupan City Jail. The letter, signed by the president, secretary and adviser of said association, informed the jail warden of appellant's unusual behavior and requested that immediate action be taken against him to avoid future violent incidents in the jail.^[18]

On September 18, 1996, the trial court denied reconsideration of the order denying the "Demurrer to Evidence." The court ordered accused-appellant to present his evidence on October 15, 1996.^[19]

Accused-appellant did not take the witness stand. Instead, his counsel presented the testimony of Dr. Maria Soledad Gawidan,^[20] a resident physician in the Department of Psychiatry at the Baguio General Hospital, and accused-appellant's medical and clinical records at the said hospital.^[21] Dr. Gawidan testified that appellant had been confined at the BGH from February 18, 1993 to February 22, 1993 and that he suffered from "Schizophrenic Psychosis, Paranoid Type--schizophrenia, paranoid, chronic, paranoid type;"^[22] and after four (4) days of confinement, he was discharged in improved physical and mental condition.^[23] The medical and clinical records consisted of the following: (1) letter of Dr. Alfredo Sy, Municipal Health Officer, Calasiao, Pangasinan to Dr. Jesus del Prado, Director, BGH referring accused-appellant for admission and treatment after "a relapse of his violent behavior;"^[24] (2) the clinical cover sheet of appellant at the BGH;^[25] (3) the consent slip of appellant's wife voluntarily entrusting appellant to the BGH;^[26] (4) the Patient's Record;^[27] (5) the Consent for Discharge signed by appellant's wife;^[28] (6) the Summary and Discharges of appellant;^[29] (7) appellant's clinical case history;^[30] (8) the admitting notes;^[31] (9) Physician's Order Form;^[32] (10) the Treatment Form/ medication sheet;^[33] and (11) Nurses' Notes.^[34]

The trial court rendered a decision on June 23, 1997. It upheld the prosecution

evidence and found accused-appellant guilty of the crime charged and thereby sentenced him to death, viz:

"WHEREFORE, the court finds accused Roberto Estrada y Lopez guilty beyond reasonable doubt of the crime of Murder and in view of the presence of the aggravating circumstance of cruelty which is not offset by any mitigating circumstance, the accused is sentenced to suffer the Death Penalty and to indemnify the heirs of the deceased in the amount of P50,000.00.

The accused is ordered to pay the sum of P18,870.00 representing actual expenses and P100,000.00 as moral damages.

SO ORDERED."^[35]

In this appeal, accused-appellant assigns the following errors:

I

"THE LOWER COURT ERRED IN FINDING ACCUSED-APPELLANT GUILTY OF THE CRIME CHARGED, DESPITE CLEAR AND CONVINCING EVIDENCE ON RECORD, SUPPORTING HIS PLEA OF INSANITY.

II

THE LOWER COURT LIKEWISE ERRED IN HOLDING THAT THE STABBING TO DEATH OF ROGELIO MARARAC WAS ATTENDED WITH TREACHERY AND AGGRAVATED BY CRUELTY, GRANTING ARGUENDO THAT ACCUSED-APPELLANT'S PLEA OF INSANITY CANNOT BE CONSIDERED AN EXEMPTING CIRCUMSTANCE."^[36]

The basic principle in our criminal law is that a person is criminally liable for a felony committed by him.^[37] Under the classical theory on which our penal code is mainly based, the basis of criminal liability is human free will.^[38] Man is essentially a moral creature with an absolutely free will to choose between good and evil.^[39] When he commits a felonious or criminal act (*delito doloso*), the act is presumed to have been done voluntarily,^[40] i.e., with freedom, intelligence and intent.^[41] Man, therefore, should be adjudged or held accountable for wrongful acts so long as free will appears unimpaired.^[42]

In the absence of evidence to the contrary, the law presumes that every person is of sound mind^[43] and that all acts are voluntary.^[44] The moral and legal presumption under our law is that freedom and intelligence constitute the normal condition of a person.^[45] This presumption, however, may be overthrown by other factors; and one of these is insanity which exempts the actor from criminal liability.^[46]

The Revised Penal Code in Article 12 (1) provides:

"ART. 12. *Circumstances which exempt from criminal liability.*--The following are exempt from criminal liability: