

FIRST DIVISION

[G.R. No. 218425, September 27, 2017]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
WILSON CACHO Y SONGCO, ACCUSED-APPELLANT**

DECISION

TIJAM, J.:

For automatic review is the Decision^[1] dated July 1, 2014 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 06123 which affirmed the Decision^[2] dated October 8, 2012 of the Regional Trial Court (RTC) of San Mateo, Rizal, Branch 76, in Criminal Case Nos. 7522 and 7523 finding Wilson Cacho y Songco (accused-appellant) guilty of the crimes of Murder and Destructive Arson.

Accused-appellant is charged with the crime of Murder under the following Information, to wit:

Criminal Case No. 7522

That on or about the 1st day of January 2004, in the Municipality of Rodriguez, Province of Rizal, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, while armed with a bladed deadly weapon, with intent to kill, and with attendant qualifying circumstance of treachery, evident premeditation and nighttime which changes the nature of the felony to a Heinous crime of Murder, did then and there willfully, unlawfully, and feloniously attack, assault and hack with said weapon and behead one MARIO BALBAO Y ADAMI, which resulted in his death soon thereafter.

CONTRARY TO LAW.^[3]

Likewise, accused-appellant is charged with the crime of Destructive Arson under the following Information:

Criminal Case No. 7523

That on or about the 1st day of January 2004, in the Municipality of Rodriguez, Province of Rizal, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with the deliberate intent to cause destruction to the house of MARIO BALBAO Y ADAMI, did then and there willfully, unlawfully, and feloniously set fire to and burn the said

house causing its total destruction for the purpose of concealing or destroying evidence of the commission of the crime of Murder with attendant special aggravating circumstance that the offender was motivated by spite or hatred towards the owner of the property in the commission of the felony.

CONTRARY TO LAW.^[4]

Upon arraignment, the accused-appellant pleaded not guilty to the crimes charged. Trial ensued.

The following undisputed facts as summarized by the CA are as follows:

On January 2, 2004, at around 8:10 o'clock in the morning, PO2 Emelito Salen (PO2 Salen) and SPO4 Onofre Tavas (SPO4 Tavas) of the Rodriguez Police Station received a report from a certain Willy Cacho about a fire in Sitio Catmon, Brgy. San Rafael, Rodriguez, Rizal. PO2 Salen and SPO4 Tavas, who were accompanied by members of the Bureau of Fire Protection, namely: SFO1 Damasa Viscara and FO2 Casiple, went to Sitio Catmon to verify said report.

Upon arriving in Sitio Catmon, the police officers saw a burned house, which was owned by a certain Boy who was later identified as Mario Balbao. Upon investigation, they discovered a burned body of a headless man underneath an iron sheet. Willy Cacho informed the police officers that it was his brother, [accused-appellant], who killed Boy. [Accused-appellant's] wife likewise told the police officers that her husband was a patient of [the] National Center for Mental Health and has a recurring mental illness.

Thereafter, the police officers went to the house of [accused-appellant] where they saw a shallow pit measuring one (1) foot in diameter and five (5) inches deep with a steel peg standing at the center, which they believed was used to bum a head because there were traces of ash and a human skull on top of the heap of charcoal. The police officers then saw [accused-appellant] in his backyard. Upon introducing themselves as police officers, [accused-appellant] acted strangely and exhibited signs of mental illness. According to SPO4 Tavas, [accused-appellant] admitted killing Boy and burning the latter's house but did not say why he did it.

When they tried to arrest him, [accused-appellant] became wild. The police officers sought help from other people to subdue [accused-appellant] and to place him inside the mobile car. [Accused-appellant] was then brought to the prosecutors [sic] office for inquest proceedings. After the inquest, [accused-appellant] was brought to the National Center for Mental Health for confinement.^[5]

After trial, the RTC found accused-appellant guilty of the crimes of Murder and Destructive Arson, in its Decision^[6] dated October 8, 2012, thus:

WHEREFORE, judgment is hereby rendered as follows:

1. In Criminal Case No. 7522, finding [accused-appellant] **GUILTY** beyond reasonable doubt of the crime of Murder as defined and penalized under Article 248 of the Revised Penal Code, as amended and sentencing him to suffer the penalty of *Reclusion Perpetua* and to indemnify the heirs of the victim in the amount of P50,000.00 as death indemnity and P50,000.00 as moral damages. No pronouncement as to cost.

2. In Criminal Case No. 7523, finding [accused-appellant] **GUILTY** beyond reasonable doubt of the crime of Destructive Arson (Article 320 par[.] 5 RPC as amended by Sec[.] 10 of R[.]A[.] No.] 7659) and sentencing him to suffer the penalty of *Reclusion Perpetua*. No pronouncement as to cost.

[Accused-appellant] is hereby ordered to be committed to the National Bilibid Prisons, Muntinlupa City for service of sentence.

[Accused-appellant] is to be credited for the time spent for his preventive detention in accordance with Art[.] 29 of the Revised Penal Code as amended by R.A. 6127 and E.O. 214.

SO ORDERED.^[7]

The RTC only dealt with the issue of insanity. Since the accused-appellant raised the defense of insanity, the RTC ruled that he already admitted the commission of the crime. Thus, accused-appellant was tried on the issue of insanity alone.

Upon appeal, the CA affirmed the judgment of conviction of the accused-appellant of the crimes charged in its Decision^[8] dated July 1, 2014, to wit:

WHEREFORE, premises considered, the instant appeal is **DISMISSED**. The decision dated October 8, 2012 of the [RTC] of San Mateo, Rizal, Branch 76 is **AFFIRMED**.

SO ORDERED.^[9]

Issues

The issues to be resolved in this case are: 1) whether the accused-appellant sufficiently proved his defense of insanity; and 2) whether the crimes of Murder and Destructive Arson were sufficiently proved.

Ruling of the Court

At the outset, appeal in criminal cases throws the whole open for review and it is the duty of the appellate court to correct, cite and appreciate errors in the appealed judgment whether they are assigned or unassigned.^[10] After a careful review and scrutiny of the records, We hold that the accused-appellant can only be convicted of Homicide and Destructive Arson.

Accused-appellant was not able to sufficiently prove his defense of insanity.

Accused-appellant alleges that he was diagnosed with Major Depression with Psychosis in 1996 for which he was admitted at the National Center for Mental Health (NCMH) for two (2) months. Thereafter, he was discharged when there were no longer any symptom that was observed. Then on January 7, 2004, he was again admitted to the NCMH and it was discovered that his Major Depression with Psychosis had already progressed to Chronic Schizophrenia. Thus, his defense of insanity was sufficiently proved by his medical record with the NCMH as well as the expert testimony of Dr. Sagun.^[11]

In the case of *People v. Isla*,^[12] it stated that:

Article 12 of the [RPC] provides for one of the circumstances which will exempt one from criminal liability which is when the perpetrator of the act was an imbecile or insane, unless the latter has acted during a lucid interval. This circumstance, however, is not easily available to an accused as a successful defense. Insanity is the exception rather than the rule in the human condition. Under Article 800 of the Civil Code, the presumption is that every human is sane. Anyone who pleads the exempting circumstance of insanity bears the burden of proving it with clear and convincing evidence. It is in the nature of confession and avoidance. An accused invoking insanity admits to have committed the crime but claims that he or she is not guilty because of insanity. x x x.

^[13] (Citation omitted)

When the accused raised the defense of insanity, he is tried on the issue of sanity alone, and if found to be sane, a judgment of conviction is rendered without any trial on the issue of guilt, because the accused had already admitted committing the crime.^[14]

However for the defense of insanity to be successfully invoked as a circumstance to evade criminal liability, it is necessary that insanity must relate to the time immediately preceding or simultaneous with the commission of the offense with which the accused is charged. Otherwise, he can be held guilty for the said offense. In short, in order for the accused to be exempted from criminal liability under a plea of insanity, he must successfully show that: (1) he was completely deprived of

intelligence; and (2) such complete deprivation of intelligence must be manifest at the time or immediately before the commission of the offense.^[15]

Accused-appellant having invoked the defense of insanity, he is deemed to have admitted the commission of the crime. As such, he is bound to establish with certainty that he is completely deprived of intelligence because of his mental condition or illness.

After the careful review of the records of the case, We found that the accused-appellant failed to prove that he is insane immediately prior or at the time of the commission of the crime.

Dr. Sagun testified as to accused-appellant's mental condition as follows:

Atty. Censon:

x x x x

Q. Madam Witness, do you know one Wilson Cacho or have you happened to know a person named Wilson Cacho?

A. Yes, sir.

Q. On what occasion did you meet this person named Wilson Cacho?

A. I was able to examine the said patient on July 23 on his third consult at the forensic pavilion and then I was the one who admitted the patient on November 23, 2007, sir.

x x

x x

Q. What was on your finding on Wilson Cacho when he consulted you on July 23, 2007?

A. As per our records, the patient had been ill since he was 17 years old. His first consult was on July 15, 1996 and was admitted for two (2) months and was discharged on September 1996. A follow up after a month, he was in the out-patient and then he was lost for follow-up for eight (8) years. He consulted again on January 7, 2004 where he was admitted and confined for five (5) days and after that two (2) years again, he consulted at the out-patient, now at the forensic pavilion. This was in November 24, 2006 and another consultation at our forensic pavilion on December 18, 2006. And on July 23, was our first consult in the out-patients and in November 24, that was the time we admitted the patient, sir.

x x

x x