

FIRST DIVISION

[G.R. Nos. 147674-75, March 17, 2004]

**PEOPLE OF THE PHILIPPINES, APPELLEE, VS. ANACITO OPURAN,
APPELLANT.**

D E C I S I O N

DAVIDE JR., C.J.:

Appellant Anacito Opuran was charged with two counts of murder before the Regional Trial Court of Catbalogan, Samar, Branch 29, for the death of Demetrio Patrimonio, Jr., and Allan Dacles under separate informations, the accusatory portions of which respectively read:

Criminal Case No. 4693

That on or about November 19, 1998, at nighttime, at Km. 1, South Road, Municipality of Catbalogan, Province of Samar, Philippines, and within the jurisdiction of this Honorable Court, said accused, with deliberate intent to kill and treachery, did, then and there willfully, unlawfully, and feloniously attack, assault and stab Demetrio Patrimonio, Jr., with the use of a bladed weapon (5" long from tip to handle with scabbard), thereby inflicting upon the victim fatal stab wounds on the back of his body, which wounds resulted to his instantaneous death.

All contrary to law, and with attendant qualifying circumstance of treachery.^[1]

Criminal Case No. 4703

That on or about November 19, 1998, at nighttime, at Purok 3, Barangay 7, Municipality of Catbalogan, Province of Samar, Philippines, and within the jurisdiction of this Honorable Court, said accused, with deliberate intent to kill, with treachery, did, then and there, willfully, unlawfully and feloniously attack, assault and stab one Allan Dacles, who was lying on the bench, with the use of a bladed weapon, locally known as 'pisao,' thereby inflicting upon the victim fatal stab wounds on the different parts of his body, which wounds resulted to his instantaneous death.

All contrary to law, and with attendant qualifying circumstance of treachery.^[2]

After Anacito entered a plea of not guilty at his arraignment, trial ensued.^[3]

The evidence for the prosecution discloses that on 19 November 1998, at about 6:30 p.m., prosecution witness Bambi Herrera was studying his lessons inside his house. His brother and a certain Jason Masbang were outside sitting side by side

with each other on a plastic chair; opposite them was Allan Dacles, who was lying on a bench.^[4]

Moments later, Jason barged into Bambi's house, shouting: "There's a long-haired man!" Bambi stood up and looked through the open door. He saw appellant Anacito Opuran stab Allan on the chest with a knife while the latter appeared to be trying to stand up from the bench. Although Allan had several stab wounds on different parts of his body, he managed to stand up and run inside Bambi's house, with Anacito chasing him. Bambi immediately locked the door from the inside to prevent Anacito from entering. But the latter tried to force the door open by thrusting a knife at the door shutter. He also threw stones at the door. After a short while, Anacito left.^[5]

With Anacito gone, Bambi went out to ask the aid of his neighbors so he could bring Allan to the hospital. He saw Anacito's two brothers and asked for their assistance. But one of them merely said: "*Never mind because he [referring to Anacito] is mentally imbalanced.*"^[6] As nobody from among his neighbors responded to his plea for help, Bambi carried Allan on his shoulders and dragged him to the lower portion of the neighborhood. Several persons, who were having a drinking session, helped Bambi bring Allan to the hospital. Allan, however, died about fifteen minutes later.^[7]

At about 7:45 p.m. of the same day, prosecution witness Tomas Bacsal, Jr., of Barangay San Pablo, Catbalogan, Samar, was in the house of Demetrio Patrimonio, Sr., seeking medical advice from the latter's wife. While there, Tomas heard a commotion outside. He looked out from the balcony and saw people running. He learned that Anacito had stabbed somebody.^[8]

After about fifteen minutes, while Tomas was on his way home, he saw Demetrio Patrimonio, Jr. He likewise noticed Anacito hiding in a dark place. When Demetrio Jr. reached the national highway, near the so-called "lover's lane," Anacito emerged from his hiding place and stabbed Demetrio Jr. with a knife about three to four times.^[9]

Tomas immediately ran to the house of the Demetrios to inform them of what he had just witnessed. He then saw Demetrio Jr. running towards his parents' house, but the latter did not make it because he collapsed near the fence. Tomas also caught sight of Anacito running towards the direction of the house of the Opurans. Meanwhile, Demetrio Jr. was brought by his parents to the Samar Provincial Hospital, where he died the following day.^[10]

Dr. Angel Tan, Medical Specialist II of the Samar Provincial Hospital, conducted an autopsy on the cadavers of Allan and Demetrio Jr. He found five stab wounds on Allan's body, one of which was fatal because it affected the upper lobe of the right lung and bronchial vessel.^[11] Demetrio Jr. sustained four stab wounds and died of pulmonary failure due to *hypovolemia* from external and internal hemorrhage.^[12]

For its part, the defense presented, as its first witness, the appellant himself, Anacito Opuran. He declared that on the evening of 19 November 1998, he was resting in their house in Canlapwas, another *barangay* in Catbalogan, Samar. He never went out that night. While he was sleeping at about 8:30 p.m., eight policemen entered his house, pointed their guns at him, and arrested him. He was brought to the police station and detained there until the following morning. He denied being present at the place and time of the stabbing incidents. He admitted

knowing Demetrio Jr. as a distant relative and friend whom he had not quarreled with. As for Allan, he never knew him. He had no misunderstanding with prosecution witness Bambi Herrera. He asserted that the accusations against him were fabricated because he was envied and lowly regarded by his accusers.^[13]

Subsequent hearings were postponed owing principally to the failure of the defense to present witnesses. Then on 16 February 2000, the defense moved for the suspension of the hearing on the following grounds: (1) on 10 January 2000, upon motion of the defense, the trial court issued an Order authorizing the psychiatric examination of Anacito; (2) in consonance with that Order, Anacito underwent a psychiatric examination on 26 January 2000 conducted by Dr. Angel P. Tan; (3) Dr. Tan issued a Medical Certificate dated 26 January 2000 stating that Anacito had a "normal" mental status on that date but was "suffering from some degree of Mental Aberration," which required further psychiatric evaluation at Tacloban City.^[14]

The trial court thus ordered a deferment of the hearing and granted the motion for the psychiatric examination of Anacito at the Eastern Visayas Regional Medical Center (EVRMC), Tacloban City.^[15]

On 3 August 2000, the trial court received the Medical Report of Dr. Lyn Verona, physician-psychiatrist of the EVRMC, on the psychiatric examination she conducted on Anacito. At the resumption of the hearings on 20 November 2000, Dr. Verona testified that she examined Anacito three times through interviews. From her interview with Anacito's sister, Remedios Opuran Manjeron, she learned of Anacito's psychiatric history of "inability to sleep and talking irrelevantly." She found that Anacito had a psychotic disorder characterized by flight of ideas and auditory hallucinations. She confirmed her medical findings that Anacito was psychotic before and during the commission of the crime and even up to the present so that he could not stand trial and would need treatment and monthly check-up. Her diagnosis was that Anacito was suffering from schizophrenia.^[16]

Remedios Opuran Manjeron testified that she brought his brother Anacito to the National Center for Mental Health (NCMH), Mandaluyong, in 1986 because Anacito had difficulty sleeping and was talking "irrelevantly."^[17] Anacito was treated as an out-patient, and was prescribed *thorazine* and *evadyne*.^[18] They stayed in Manila for one month. In 1989, they returned to the NCMH, and Anacito was prescribed the same medicine. Since they could not afford to stay long in Manila for follow-up treatments, Remedios requested that her brother be treated in Catbalogan. Dr. Belmonte of the NCMH, however, referred them to the EVRMC. Sometime in 1990, Remedios accompanied Anacito to the EVRMC for examination. A certain Dra. Peregrino prescribed an injectable medicine. But it was a certain Dr. Estrada of the NCMH who came to Catbalogan to administer the medicine in that same year. Since then until the year 2000, Anacito did not take any medicine, nor was he subjected to examination or treatment.^[19]

Anacito's other sibling, Francisco Opuran, testified that at about 6:00 p.m. of 19 November 1998, he heard a loud voice outside their house. Anacito heard also the loud voices and then went out. When Francisco went out to verify, he did not see anything. A few minutes later he saw Anacito at the corner of the street carrying a knife. He surmised that Anacito had committed a crime, and so he hugged him. Anacito struggled to free himself, but Francisco brought him to Remedios' house.

Before the incident, he observed Anacito to be "sometimes laughing, shouting, and uttering bad words, and sometimes silent."^[20]

In its decision^[21] of 23 January 2001, the trial court found Anacito guilty of murder for the death of Demetrio Patrimonio, Jr., and homicide for the death of Allan Dacles. It decreed:

WHEREFORE, the Court Finds Anacito Opuran y Balibalita *GUILTY* beyond reasonable doubt of the crimes specified hereunder, to wit:

Murder, in Criminal Case No. 4693, and sentences him to the penalty of *reclusion perpetua*, to indemnify the heirs of Demetrio Patrimonio, Jr. in the amount of P50,000.00 plus P43,500.00 by way of actual damages, and to pay the costs; and

Homicide, in Criminal Case No. 4703, and, applying the Indeterminate Sentence Law, sentences him to suffer an imprisonment ranging from ten (10) years of *prision mayor*, as minimum, to seventeen (17) years and four (4) months of *reclusion temporal*, as maximum to indemnify the heirs of Allan Dacles in the amount of P50,000.00 plus P10,000.00 for burial expenses and to pay the costs.

Anacito seasonably appealed to us from the decision attributing to the trial court grave error in disregarding the exempting circumstance of insanity.^[22] He contends that he was suffering from a psychotic disorder and was, therefore, completely deprived of intelligence when he stabbed the victims. Even assuming in *gratis argumenti* that he is criminally liable, he is entitled to the mitigating circumstance under paragraph 9, Article 13 of the Revised Penal Code, which is "illness as would diminish the exercise of the willpower of the offender without however depriving him of the consciousness of his acts." He likewise maintains that since treachery was not specifically alleged in the Information as a qualifying circumstance, he cannot be convicted of murder for the death of Demetrio Jr.

The Office of the Solicitor General (OSG) disagrees and avers that Anacito failed to establish with the required proof his defense of insanity or his claim of the mitigating circumstance of diminished willpower. The mental state of Anacito, as testified to by Dr. Verona, corresponds to the period after the stabbing incidents. Further, Dr. Verona was certain that Anacito was not grossly insane, but she was uncertain that Anacito was "unconscious" at the time he stabbed the two victims. The OSG also argues that treachery was duly alleged and proved by the prosecution and should, therefore, be treated as a qualifying circumstance in the killing of Demetrio Jr.

We agree with the OSG and affirm the trial court's judgment.

In the determination of the culpability of every criminal actor, voluntariness is an essential element. Without it, the imputation of criminal responsibility and the imposition of the corresponding penalty cannot be legally sanctioned. The human mind is an entity, and understanding it is not purely an intellectual process but is dependent to a large degree upon emotional and psychological appreciation. A man's act is presumed voluntary.^[23] It is improper to assume the contrary, *i.e.* that

acts were done unconsciously,^[24] for the moral and legal presumption is that every person is presumed to be of sound mind,^[25] or that freedom and intelligence constitute the normal condition of a person.^[26] Thus, the presumption under Article 800 of the Civil Code is that everyone is sane. This presumption, however, may be overturned by evidence of insanity, which under Article 12(1) of the Revised Penal Code exempts a person from criminal liability.^[27]

He who pleads the exempting circumstance of insanity bears the burden of proving it,^[28] for insanity as a defense is in the nature of confession and avoidance.^[29] An accused invoking insanity admits to have committed the crime but claims that he is not guilty because he is insane. The testimony or proof of an accused's insanity must, however, relate to the time immediately preceding or coetaneous with the commission of the offense with which he is charged.^[30] It is, therefore, incumbent upon accused's counsel to prove that his client was not in his right mind or was under the influence of a sudden attack of insanity immediately before or at the time he executed the act attributed to him.^[31]

Since insanity is a condition of the mind, it is not susceptible of the usual means of proof. As no man can know what is going on in the mind of another, the state or condition of a person's mind can only be measured and judged by his behavior.^[32] Thus, the vagaries of the mind can only be known by outward acts, by means of which we read the thoughts, motives, and emotions of a person, and then determine whether the acts conform to the practice of people of sound mind.^[33]

Insanity is evinced by a deranged and perverted condition of the mental faculties which is manifested in language and conduct.^[34] However, not every aberration of the mind or mental deficiency constitutes insanity.^[35] As consistently held by us, "A man may act crazy, but it does not necessarily and conclusively prove that he is legally so."^[36] Thus, we had previously decreed as insufficient or inconclusive proof of insanity certain strange behavior, such as, taking 120 cubic centimeters of cough syrup and consuming three sticks of marijuana before raping the victim;^[37] slurping the victim's blood and attempting to commit suicide after stabbing him;^[38] crying, swimming in the river with clothes on, and jumping off a jeepney.^[39]

The stringent standard established in *People v. Formigones* ^[40] requires that there be a complete deprivation of intelligence in committing the act, i.e., the accused acted without the least discernment because of a complete absence of the power to discern or a total deprivation of the will.

In *People v. Rafanan, Jr.*,^[41] we analyzed the *Formigones* standard into two distinguishable tests: (a) the test of cognition — whether there was a "complete deprivation of intelligence in committing the criminal act" and (b) the test of volition — whether there was a "total deprivation of freedom of the will." We observed that our case law shows common reliance on the test of cognition, rather than on the test of volition, and has failed to turn up any case where an accused is exempted on the sole ground that he was totally deprived of the freedom of the will, i.e., without an accompanying "complete deprivation of intelligence." This is expected, since a person's volition naturally reaches out only towards that which is represented as desirable by his intelligence, whether that intelligence be diseased or healthy.^[42]