

EN BANC

[G.R. No. 136845, October 08, 2003]

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. GUILLERMO FLORENDO ALIAS "IMONG," APPELLANT.

DECISION

BELLOSILLO, J.:

GUILLERMO FLORENDO alias *Imong* was found guilty of parricide with the aggravating circumstance of cruelty and sentenced to death. He was ordered to indemnify the heirs of his wife, Erlinda Ragudo Florendo, the amount of P500,000.00 in moral and exemplary damages and to pay the costs of suit. His conviction is the subject of this automatic review.^[1]

The records show that on 28 August 1996 at around 2:30 in the afternoon appellant and his wife Erlinda were inside their house engaged in an animated conversation. Living with them in the same house in Barangay Bulbulala, La Paz, Abra, was appellant's father Agustin Florendo. After Erlinda was heard to have told *Imong* to go to sleep, the latter all of a sudden and without any provocation hacked Erlinda with a bolo in the head and other parts of her body. The victim could only exclaim, "*Patayennak met ni Imong ngen (Imong is going to kill me)!*"^[2]

Agustin, who was resting at that time, witnessed the incident. Instead of stopping appellant, Agustin left the house for fear that his son would also attack him. Agustin sought help from his immediate neighbor, Ernesto Anical, and told him, "*Kasano Erning, patayen yen met ni Imong ni baketnan (How is this Erning, Imong is killing his wife)!*"^[3] Ernesto too became frightened and did not go out of his house; instead, he told Agustin to go to the barangay captain for assistance.

Agustin went to the house of Barangay Captain Godofredo Apuya to report the incident but the latter was not there. Thus, the wife of the barangay captain, upon being apprised of what happened, hurriedly went out to look for any available barangay tanod for assistance and was able to contact Barangay Tanod Felipe Adora. Agustin, on the other hand, restrained by fear and shock, stayed at the barangay captain's house and when he finally returned at about 4:00 o'clock in the afternoon Erlinda was already dead.

In the meantime, appellant ran to the house of the barangay captain after hacking his wife. When Barangay Tanod Felipe Adora arrived at the house of the barangay captain, he found appellant there holding a bloodied bolo, his hands and feet dripping with blood. Felipe advised appellant to yield his bolo but the latter did not respond. This prompted Felipe to grab his hand and take away his bolo. When Barangay Captain Godofredo Apuya arrived, he asked appellant why his hand and feet were covered with blood but the latter did not answer. Appellant was later taken to the La Paz District Hospital for treatment of his wound and the police authorities

of La Paz thereafter took him into custody pending investigation of the incident.

Dr. Corazon Lalin Brioso, Municipal Health Officer of La Paz, autopsied the cadaver of the victim and found that she sustained sixteen (16) wounds on various parts of her body, four (4) of which were considered fatal and resulted in her instantaneous death due to hypovolemic shock caused by massive hemorrhage.^[4]

On 2 September 1996 appellant was committed at the Abra Provincial Jail. During his confinement, he was observed to be having difficulty in sleeping. He could not eat during meal times. Most of the time he would stand in his cell without talking to anyone. Thus on 9 September 1996 he was treated as an outpatient at the Abra Provincial Hospital (APH). The Provincial Warden then requested a psychiatric examination of appellant to determine whether he was fit to be arraigned.^[5]

On 17 October 1996 appellant was supposed to be arraigned but he appeared without counsel and remained unresponsive to the questions propounded to him. On the same date, the trial court referred appellant to the Baguio General Hospital and Medical Center (BGHMC) for psychiatric evaluation since there was no psychiatrist at the APH. On 20 November 1996 he went to the BGHMC for consultation and was admitted and managed as a case of *schizophrenic psychosis, paranoid type (schizophreniform disorder)*.^[6] He was detained at the hospital and given medication for his illness. On 7 June 1997, after confinement for six (6) months and eighteen (18) days, he was discharged and recommitted to the provincial jail as he was found fit to face the charges against him.^[7] When finally arraigned on 12 August 1997 appellant pleaded not guilty.

At the pre-trial conference, appellant admitted killing his wife but put up the defense of insanity to claim exemption from criminal liability. At the initial hearing, the prosecution presented Agustin Florendo, Godofredo Apuya, Ernesto Anical, Felipe Adora and Dr. Corazon Lalin Brioso as witnesses.

Agustin Florendo attested that his son was not in his proper senses on the day of the incident and repeated on cross-examination that appellant was crazy and had been behaving strangely for one (1) year before the incident.^[8]

Barangay Captain Godofredo Apuya, on the other hand, stated that he already knew that appellant was mentally ill because in two (2) instances, three. (3) months prior to the incident, he saw him singing, dancing and clapping his hands in their yard.^[9] Witness Ernesto Anical stated further that on the day of the incident appellant was not in his right senses as he saw him sharpening his bolo with his eyes red and looking very sharp. Yet, he likewise testified that appellant would join the people in their barangay in their drinking sprees and when already drunk he would beat his wife.^[10]

Barangay Tanod Felipe Adora also testified that appellant had been behaving oddly and was somewhat crazy as he saw him ten (10) days before the incident singing and talking to himself.^[11] Both Godofredo Apuya and Felipe Adora stated that appellant suspected that his wife was having an affair with Godofredo for he once went to the house of Godofredo looking for her. But before the trial could prosper, the presiding judge received a letter from the provincial warden asking for the

recommitment of appellant to the BGHMC because of his unstable mental condition. On 8 June 1998 the trial court directed the examination and treatment of appellant but not his admission in the hospital. Nonetheless, appellant was readmitted at the BGHMC on 11 June 1998 and discharged on 7 August 1998.

On 10 August 1998, upon the assurance of Dr. Elsie I. Caducoy that appellant was fit to stand trial, appellant was called to testify. He stated that he did not remember anything that happened on 28 August 1996 but recalled seeing his children days before the incident; that he was brought to the provincial jail by the police authorities; that he thumbmarked a form given him in jail; that he came to know about the death of his wife only when his father told him about it while he was in jail; and, that he did not know Barangay Captain Apuya when asked about his alleged affair with his wife.^[12]

In the assailed Decision dated 19 August 1998 the trial court held that the crime committed was parricide. While no marriage certificate was presented to prove the relationship between appellant and the victim, such fact was evident from the testimonies of the witnesses and appellant himself who averred that the victim was his legitimate wife; that the aggravating circumstance of cruelty was present because the victim suffered sixteen (16) wounds; that while it was true that there was evidence that appellant was observed to be doing things out of the ordinary, like singing in English, dancing, laughing or talking alone, there was also evidence that he was socializing freely with the other young men in the barangay; that all these were indicative only of mental abnormality that did not excuse him from imputability for the offense; that no expert witness was presented to testify on the insanity of appellant; and, the motive of appellant in killing his wife was jealousy.

Appellant Florendo now contends that the trial court erred in not acquitting him on the ground of insanity; for appreciating cruelty instead as an aggravating circumstance in the commission of the crime, and for upholding the legitimacy of his common-law relationship with the victim in order to bring the killing within the ambit of Art. 246 of *The Revised Penal Code*.

The Court rejects the plea of insanity. Insanity under Art. 12, par. 1, of *The Revised Penal Code* exists when there is a complete deprivation of intelligence in committing the act, i.e., appellant is deprived of reason; he acts without the least discernment because of complete absence of the power to discern; or, there is a total deprivation of freedom of the will. The *onus probandi* rests upon him who invokes insanity as an exempting circumstance, and he must prove it by clear and convincing evidence.^[13]

The alleged insanity of Florendo was not substantiated by sufficient evidence. He was not completely bereft of reason or discernment and freedom of will when he mortally hacked his wife. The following circumstances^[14] clearly and unmistakably negate a complete absence of intelligence on his part when he committed the felony: (a) He was apparently well until about three (3) to four (4) months prior to his admission in the hospital when he was noted to have blank stares, claiming that he was in deep thought because he suspected his wife of having an extramarital affair, and at times would confront his wife about the matter but the latter would deny it; (b) That he became irritable at home and was easily angered by his children's slightest mistakes; (c) That due to his jealousy he claimed that he only wanted to frighten his wife with his bolo in order to confront her but hacked her

instead many times to death; (d) He denied having hallucinations at that time or being possessed by an evil spirit; (e) Immediately after the incident he went to the barangay captain, never thought of running away, and apparently felt guilty about what happened; (f) In jail, he said he started having auditory hallucinations where he would hear voices commanding him to do something but refused to elaborate on this; and, (g) He claimed that he frequently thought of his three (3) children whom he missed so much. These were hardly the acts of a person with a sick mind.

A perusal of appellant's testimony would show that he was aware of his emotions, bearing and temperament. Except for his testimony in open court that he had no recollection of what happened on 28 August 1996, he attested that he saw his children a few days before the incident; that he was brought to the provincial jail by the police authorities; and, that he thumbmarked a form given him in jail. Since he remembered the vital circumstances surrounding the ghastly incident, he must have been in full control of his mental faculties. His recall of the events that transpired before, during and after the stabbing incident, as well as the nature and contents of his testimony, does not betray an aberrant mind. An insane person has no full and clear understanding of the nature and consequences of his act.

The issue of insanity is a question of fact for insanity is a condition of the mind, not susceptible of the usual means of proof. As no man would know what goes on in the mind of another, the state or condition of a person's mind can only be measured and judged by his behavior. Establishing the insanity of an accused requires opinion testimony which may be given by a witness who is intimately acquainted with appellant, or who has rational basis to conclude that appellant was insane based on the witness' own perception of appellant, or who is qualified as an expert, such as a psychiatrist.^[15]

The first four (4) witnesses of the prosecution were one in alleging that appellant was crazy and had lost his mind as they noticed him to be behaving oddly, i.e., singing, dancing and talking to himself. The prosecution witnesses may have testified that appellant appeared to them to be insane prior to, during and subsequent to the commission of the crime, but there is a vast difference between an insane person and one who has worked himself into such a frenzy of anger that he fails to use reason or good judgment in his action. The fact that a person behaves crazily is not conclusive that he is insane. The prevalent meaning of the word "crazy" is not synonymous with the legal terms "insane," "*non compos mentis*," "unsound mind," "idiot," or "lunatic." The popular conception of the word "crazy" is being used to describe a person or an act unnatural or out of the ordinary. A man may behave in a crazy manner but it does not necessarily and conclusively prove that he is legally so.^[16]

The evidence adduced consisting of the testimonies of the prosecution witnesses that appellant was insane immediately before or on the day the crime was committed consisted merely of assumptions, and is too speculative, presumptive and conjectural to be convincing. Their observation that appellant manifested unusual behavior does not constitute sufficient proof of his insanity because not every aberration of the mind or mental deficiency constitutes insanity hence exempting.

In the case at bar, appellant was diagnosed to be suffering from *schizophrenia* when