

EN BANC

[G.R. No. 126135, October 25, 2000]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
ALBERTO OCFEMIA Y MAIMOT, ACCUSED-APPELLANT.**

DECISION

GONZAGA-REYES, J.:

On September 26, 1995, Alberto Ocfemia y Maimot was charged with the crime of murder, as defined and penalized under Article 248 of the Revised Penal Code, committed as follows:

"That on or about the 22nd day of September 1995 in the City of Makati, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused with intent to kill and with treachery and evident premeditation did then and there willfully, unlawfully and feloniously stabbed one Miriam Reyes with a knife on the different parts of her body thereby inflicting mortal wounds upon the latter which directly caused her untimely death.

CONTRARY TO LAW."^[1]

The accused-appellant was accused of stabbing his maid, Miriam Reyes, 16 years old, who was dead upon arrival at the Rizal Medical Center in Pasig, where she was brought after the stabbing incident on September 22, 1995.

Upon arraignment on November 13, 1995, accused-appellant, assisted by counsel, and after being informed of the consequences of his plea, pleaded guilty to the offense charged. On November 17, 1995, the Court issued an order, in accordance with Section 3, Rule 116 of the Rules of Court, setting the case for hearing so as to conduct a searching inquiry into the voluntariness and full comprehension of the consequences of his plea of guilty. The prosecution was ordered to prove the guilt of the accused-appellant and his precise degree of culpability.

The prosecution presented Margie Ocfemia, the live-in partner of the accused-appellant Alberto.

The testimony of Margie Ocfemia was summarized by the trial court as follows:

"She testified that on November 22, 1995, at 10:00 in the morning, in her house at No. 14 Herrera Street, Group 9, Zone 14, Pembo, Fort Bonifacio, Makati City, their maid, Miriam Reyes, 16 years old, single, complained to her that accused Alberto Ocfemia, touched her (Miriam Reyes) private part. She confronted accused Alberto Ocfemia. When confronted, accused admitted touching the private part of Miriam Reyes. When night came, accused talked with Miriam Reyes, asking Miriam Reyes not to tell of what he (accused Ocfemia) did to her, to her brother and the brothers of Margie. Miriam Reyes refused, telling accused that

she has to tell what he (accused) did to her, to her "mga kapatid". Later that evening, accused Alberto Ocfemia, told the members of the household to go to sleep. They all complied. While Margie was lying, she noticed that accused Ocfemia was taking coffee, smoking and roaming around the house. At 11:00 that evening, while Miriam Reyes, the maid, was lying on her side (nakagilid) and asleep, accused stabbed Miriam several times. Miriam shouted asking for help. Margie brought Miriam Reyes to the hospital, arriving in the hospital at 12:30 in the morning. The doctor who attended Miriam Reyes tried to save her life, but at 12:45 in the morning, she passed away."^[2]

The prosecution also presented Dr. Ferdinand Gonzalez of Rizal Medical Center, Dr. Emmanuel Aranas, Medico-Legal Officer of the PNP Crime Laboratory, who conducted medico-legal examination on the cadaver of the victim, and Lorna Reyes, the sister of Miriam, who testified on the expenses for the hospital, wake and the interment.

Before the reception of the evidence of the defense, accused-appellant through counsel filed a motion praying that his plea of guilty be withdrawn as it was improvidently made. The motion was granted and the accused-appellant entered a plea of not guilty. The accused-appellant thereafter testified in his defense stating, in the words of the court, as follows:

"He testified that on September 22, 1995, in the morning, he was at his place of work as "cantero" at Hemady Street, Quezon City, starting working (sic) thereat from 7:00 in the morning up to 6:00 in the evening. He left his place of work at 7:00 in the evening because he waited for his salary. From his place of work at Hemady Street, Quezon City, he boarded a vehicle for Cubao and from Cubao, he boarded another vehicle, going to Crossing, arriving at his home at around 11:00 in the evening because of heavy traffic. Upon reaching home, he met his wife Margie and maid Miriam Reyes. Upon arrival at his house, he sat on a bench. While sitting on a bench, his wife approached him, telling him that their maid, Miriam Reyes will be leaving the following day. He asked his maid why she is leaving. After asking his maid why she is leaving, he went out of his house. He cannot tell in what place he went, all that he noticed was he was far away from home and noticed that he was near the chapel of the Mormons in Tambac, Taguig. He does not know how he got there. He cannot even tell whether he took a ride in going to that place. All that he could recall was, the fare in going to that chapel and going back, was P1.50. When he realized that he was in front of Mormons Chapel, he went back home by boarding a jeepney. On his way home, he passed by his brother Oscar's house which is a block away from his house. In his brother's house, his brother asked him what his problem was. He did not answer because he was thinking why he was far from his house. His brother mentioned to him something like "Wala na patay na" and referred to him as the one who killed Miriam. At the time he was talking with his brother, he did not know who killed Miriam. At his brother's house he was arrested by the police and brought to his house. At home, he noticed that his house was "magulo". His wife was not at home. He pleaded guilty because at that time, his mind was confused."^[3]

After his testimony, the accused-appellant through counsel prayed that he be subjected to psychiatric examination. The court ordered counsel to file his motion in writing. The written motion filed on May 20, 1996, states:

"01. THAT after herein accused terminated his direct and cross examinations, the undersigned counsel requested for the issuance of an order from the Honorable Court that the accused be subjected to a psychiatric examination; this was upon the manifestation of the undersigned counsel that they have envisioned to interpose INSANITY as their defense;

0.2 THAT the Honorable Court called the attention of the undersigned counsel that this should have been known to the Court earlier in order that a reversed trial should have been undertaken; vis-a-vis the observation of the Honorable Court, the defense admitted that it failed to do so, but sought refuge under the mantle of SUBSTANTIAL JUSTICE; and the Honorable Court directed the filing of the instant motion;

0.3 THAT this motion finds justification on the fact that during the stabbing, he appeared to have acted without the least discernment and that he was unable to perceive and to exercise proper judgment at the time of the commission of the act in issue.

0.4 THAT it is respectfully requested that an order be issued directing the examination of the accused by the NATIONAL CENTER FOR MENTAL HEALTH; and, pending the requested examination and the submission of the report thereon, it is respectfully requested that the proceedings in this case be held in abeyance.

0.5 THAT this is not intended to delay the administration of justice on this case, but only because of the foregoing reason."^[4]

The prosecution opposed the above-stated motion alleging inter alia, that: "

xxx xxx xxx

5) That there has been a complete absence of Evidence that there is a history of insanity on the part of the accused prior to the commission of the offense;

6) There has been no oral or documentary evidence to lay the predicate that the accused was previously insane;

7) That a person is presumed to be of sound mind (sane);

8) That the defense of insanity which the accused would now put up as his defense is completely opposite his earlier defense of denial and alibi when he testified in Court last April 22, 1996;

9) Consequently, the accused cannot interpose the defense of alibi and denial and at the same time claim that he is insane because the defense of insanity admits the commission of the offense only that he committed it when he was insane."^[5]

The trial court denied the motion of the accused-appellant that he be examined by a psychiatrist, reasoning that:

"This Court does not find merit in the plea of the accused, thru his counsel, that he should be examined by a Psychiatrist to determine his mental condition at the time of the commission of the offense, because:

- 1) When arraigned, accused assisted by counsel, voluntarily pleaded guilty;
- 2) When arraigned his plea of guilt, this Court conducted a searching inquiry to determine voluntariness and full comprehension of the consequences of his plea, still accused insisted in pleading guilty;
- 3) At the time of arraignment accused appeared be of sound mental condition; understood the nature of the charge against him, and could intelligently enter a plea, otherwise, this Court will order the suspension of arraignment;
- 4) Accused already testified in his defense; and, during his testimony, this Court finds no justification to submit him for psychiatric examination;
- 5) Moreover, before his arraignment, and during the hearing, there was no slightest insinuation by accused and counsel that he was insane at the time of the commission of the offense; and
- 6) It was only after accused testified that he would like to be mentally examined."^[6]

The trial court handed down its judgment^[7] dated September 4, 1996, finding the accused-appellant guilty of murder as charged in the information, qualified by treachery, and aggravated by evident premeditation and the accused-appellant's private relations with the victim, who was his maid. The dispositive portion of the judgment reads:

"WHEREFORE, the Court finds accused Alberto Ocfemia y Maimot guilty beyond reasonable doubt, as principal, of the crime of murder as charged in the Information, qualified by treachery, attended by two generic aggravating circumstances of evident premeditation and accused's private relations with the victim, the latter being his maid and pursuant to Article 248, in relation to Article 62, part. 3 of the Revised Penal Code as amended by R. A. 7659, he is hereby sentenced to suffer the penalty of death, and indemnify Lorna Reyes, the sum of P27,000.000; and the heirs of Miriam Reyes, the sum of P50,000.00, plus costs.

SO ORDERED."

The case is now before us on automatic review.

In his appellant's brief, the accused raises the following assignment of errors: