

## SECOND DIVISION

[ G.R. No. 111517-19, July 31, 1996 ]

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
ROGER AUSTRIA Y NAVARRO ALIAS "BERNIE," ACCUSED-  
APPELLANT.**

### DECISION

**ROMERO, J.:**

Appellant Roger Navarro Austria was charged with the crimes of Frustrated Murder in three separate informations filed with the Regional Trial Court of Lingayen, Pangasinan, to wit:

### "I N F O R M A T I O N"

The undersigned hereby accuses ROGER N. AUSTRIA @ "Bernie" of the crime of FRUSTRATED MURDER, committed as follows:

That on or about the 25th day of September 1989, in the morning, in barangay Domalandan West, municipality of Lingayen, province of Pangasinan, New Republic of the Philippines and within the jurisdiction of this Honorable Court, the above-named accused armed with a bladed weapon, with intent to kill, with treachery and taking advantage of his superior strength, did then and there wilfully, unlawfully and feloniously assault and stab Mylene Samson in her dwelling, inflicting upon her the following injuries:

- Stab wound 2 cm. mid epigastric area penetrating - perforating left lobe liver.
- Stab wound 2 cm. left hypochondriac area with omental avisceration, penetrating lacerating the body of pancreas,

the accused having thus performed all the acts of execution which would have produced the crime of Murder as a consequence but which, nevertheless, did not produce by reason of causes independent of the will of the accused, that is, the timely medical assistance rendered to said Mylene Samson which prevented her death, to her damage and prejudice.

Contrary to Art. 248 in relation to Art. 6 of the Revised Penal Code.

Lingayen, Pangasinan, November 20, 1989.<sup>[1]</sup>

X-----X

## **I N F O R M A T I O N**

The undersigned hereby accuses ROGER AUSTRIA y Navarro @ "Bernie" of the crime of MURDER, committed as follows:

That on or about 1:00 o'clock in the morning of September 25, 1989, at barangay Domalandan West, municipality of Lingayen, province of Pangasinan, New Republic of the Philippines and within the jurisdiction of this Honorable Court, the above-named accused, armed with a pointed sharp bladed weapon, with intent to kill, with treachery, evident premeditation and taking advantage of superior strength, did then and there wilfully, unlawfully and feloniously stab Myrna C. Samson, inflicting upon her the following injuries:

### **Thoracic Cage:**

Neck -stab wound 1 inch wide 1 inch deep, left, side.

Shoulder -stab wound 1 inch wide, thru & thru lateral third, right.

Chest -presence of multiple stab wounds, nine (9) in number of same sizes, 1 inch wide, but different depths of penetration.

Abdomen -stab wound 1 inch wide, 7 inches depth 1/2 inch away from the navel right side.

-stab wound 1 inch wide, 5 inches in depth, above eliac chest left side.

### **Extremities:**

Upper -stab wound 1 inch wide, three inches deep, middle portion of arm, lateral side left.

-incised wound 2 inches long, one (1) inch below cubital fossea left forearm.

-incised wound 2 inches long, lateral side arm, right.

-incised wound 2 inches long palm, left.

which caused her death as a consequence, to the damage and prejudice of her heirs.

Contrary to Art. 248 of the Revised Penal Code.

Lingayen, Pangasinan, November 20, 1989.<sup>[2]</sup>

X-----X

**I N F O R M A T I O N**

The undersigned hereby accuses ROGER AUSTRIA alias "Bernie" of the crime of MURDER, committed as follows:

That on or about September 25, 1989 in barangay Domalandan West, municipality of Lingayen, province of Pangasinan, New Republic of the Philippines and within jurisdiction of this Honorable Court, the above-named accused armed with a "balisong," with intent to kill and by means of treachery and with abuse of superior strength did then and there wilfully, unlawfully and feloniously assault and stab Tyrone Samson inflicting upon him the following injuries:

CHEST:

- stab wound 1 inch wide, 1/2 inch deep, manubrium sterni,
- stab wound 1 inch wide, 1/2 inch deep just above the right areola,
- stab wound 1 inch wide, 1/2 inch deep, level of the 4th KS mid-axillary line, right side.

BACK:

- presence of multiple stab wounds, seventeen (17) in number with uniform width, (1 inch wide) but different depth ranging from 1/2 inch to nine (9) inches.

UPPER EXTREMITY:

- stab wound, 1 inch wide, 1 inch deep arm, right.

LOWER EXTREMITY:

- stab wound 1 inch wide, 2 1/2 inch deep lateral side, thigh right,
- stab wound 1 inch wide, 3 inches deep lateral side, thigh, left.
- stab wound 1 inch wide, 7 inches deep below the tip of scapula, right penetrating the lower lobe of right lung;
- stab wound 1 inch wide, 8 inches deep level of the 6th intercostal space, posterior axillary line, left side, penetrating the lower lobe of left lung;
- stab wound, 1 inch wide, 9 inches deep, level of the 7th intercostal space, posterior axillary line, left side, penetrating the inferior lobe of left lung.

which injuries directly caused his death to the damage and prejudice of

his heirs.

Contrary to Art. 248 of the Revised Penal Code.

Lingayen, Pangasinan, November 20, 1989."<sup>[3]</sup>

Appellant pleaded not guilty to each of the crimes charged in the foregoing Informations. The three cases were tried jointly and on June 14, 1993, the trial court rendered a decision, the dispositive portion of which states:

"WHEREFORE, the accused, Roger Austria y Navarro, alias "Bernie", is hereby found guilty beyond reasonable doubt of the three (3) crimes of Murder on two (2) counts, defined and penalized under Article 248 of the Revised Penal Code under Criminal Case Nos. L-4168 and L-4189, and, under Criminal Case No. L-4166, of Frustrated Murder, defined and penalized under Article 248 in relation to Article 6 of the Revised Penal Code, and he is hereby sentenced to suffer the following penalties:

Under Criminal Cases Nos. L-4168 and L-4169, imprisonment of double reclusion perpetua; and

Under Criminal Case No. L-4166, Four (4) Years and Six (6) Months of prision correccional to Sixteen (16) Years and Six (6) Months of prision mayor;

And under the said three (3) cases, to indemnify the heirs of Myrna dela Cruz Samson in the amount of P50,000.00, and the heirs of Tyrone Samson in the same amount of P50,000.00, and Mylene Samson in the amount of P40,000.00.

And to pay costs.

SO ORDERED."<sup>[4]</sup>

The prosecution's version of the events leading to appellant's conviction is as follows:

On September 25, 1989, between 12:00 midnight and 1:00 in the morning, Myrna dela Cruz Samson and six of her seven children namely, victim Mylene, Mary Ann, Melanie, Myra Liza, Teddy and victim Tyrone were fast asleep in their house located at Barangay Domalandan, Lingayen, Pangasinan. Myrna and her sons Tyrone and Teddy, were sleeping in one room while Myrna's daughters were sleeping in another bedroom.

Appellant, who was the Samsons' next door neighbor, suddenly entered their house, without their knowledge and consent, and proceeded to the room where Myrna and her two sons were sleeping. He stabbed Myrna and Tyrone with a "balisong" several times. The victims managed to run away but appellant chased them, continuing with the stabbing until Myrna fell dead by the stairs and Tyrone in front of the altar, in the vacant third bedroom.

While the stabbing was going on, Myrna's 12-year old daughter Mylene woke up and

peeped through an opening of their bedroom's door which was adjacent to the bedroom of her mother. She saw appellant stabbing her mother first, then her brother Tyrone. When appellant noticed her peeping, he went after her and likewise stabbed her several times inside the room. Thereafter, he left the house through the kitchen door.

Guadalupe dela Cruz, mother of Myrna, was awakened from her sleep by the commotion and moaning in her daughter's house, which was only about five (5) meters away from her own house. She rushed to the victims' house and opened the door. Upon entering the house, she saw her daughter Myrna sprawled dead on the floor. Thereupon, she rushed to the kitchen and saw appellant running away with a "balisong." She looked for her grandson Tyrone and found him also sprawled dead on the floor while her granddaughter Mylene was in a room, already weak because of her stab wounds.

Guadalupe dela Cruz called for the barangay captain, informed him of what transpired and requested him to report the incident to the police of Lingayen, Pangasinan. Mylene was brought to the Pangasinan General Hospital in Dagupan City for treatment of her stab wounds while the bodies of Myrna and her son Tyrone were brought to the Funeraria de Guzman.

Dr. Noel Manaois examined Mylene and found two (2) stab wounds, both of which were deep and could have caused her death were it not for the timely medical attention given.

Dr. Jose S. Rosario, Municipal Health officer of Lingayen, conducted autopsies on the bodies, prepared the autopsy reports and described the injuries suffered by the victims.

On his part, appellant denied having killed Myrna Samson and her son Tyrone Samson and denied attempting to kill Mylene Samson.<sup>[5]</sup> He claimed that he had no prior misunderstanding with Myrna Samson or her husband or her children.<sup>[6]</sup>

Appellant sought to establish the defense of insanity by presenting Dr. Constantine D. Della, a psychiatrist at Baguio General Hospital, who examined and treated appellant on April 23, 1991 and who issued a "Psychiatric Evaluation" dated November 14, 1991 stating that:

"In view of the foregoing history, examinations, interviews, and observations, the patient Roger N. Austria is found to be suffering from a long-standing illness classified as Schizophrenic Psychosis, Paranoid type. This is manifested by the patient as follows: (1) deterioration in areas of work, social relations, and personal hygiene; (2) auditory hallucinations; (3) incoherence and irrelevance; (4) talking by himself; (5) delusions of grandeur; (6) delusion of persecution; (7) poor impulse control, judgment, and insight; (8) walking aimlessly; (9) failure to sleep well; and (10) violent and destructive behavior."<sup>[7]</sup>

The trial court, however, found that appellant was sane when he committed the crimes charged and forthwith convicted him.

Before us now on appeal, appellant assigns the following errors: