



Republic of the Philippines
Supreme Court
 Manila

FIRST DIVISION

THE SUPREME COURT OF THE PHILIPPINES
 PUBLIC INFORMATION OFFICE
 08 2018
 BY: *J. Cruz*
 TIME:

PEOPLE OF THE PHILIPPINES, **G.R. No. 227312**
 Plaintiff-Appellee,

Present:

LEONARDO-DE CASTRO, C.J.,
 BERSAMIN,
 *DEL CASTILLO,
 JARDELEZA, and
 TIJAM, JJ.

- versus -

Promulgated:

JESSIE HALOC y CODON,
 Accused-Appellant.

SEP 05 2018

[Signature]

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DECISION

BERSAMIN, J.:

To be exempting from criminal responsibility, insanity is the complete deprivation of intelligence in committing the criminal act. Mere abnormality of the mental faculties does not exempt from criminal responsibility.

The Case

The accused-appellant assails the decision promulgated on August 19, 2015,¹ whereby the Court of Appeals (CA) affirmed with modifications his conviction for murder and attempted murder under the judgment rendered on March 20, 2014 by the Regional Trial Court (RTC), Branch 54, in Gubat, Sorsogon in Criminal Case No. 2780 and Criminal Case No. 2781.²

* On wellness leave.
¹ *Rollo*, pp. 2-10; penned by Associate Justice Jose C. Reyes, Jr. (now a Member of the Court), and concurred in by Associate Justice Stephen C. Cruz and Associate Justice Ramon Paul L. Hernando.
² *CA rollo*, pp. 39-45; penned by Presiding Judge Bernardo R. Jimenez, Jr.

Antecedents

As summarized by the CA, the factual and procedural antecedents are as follows:

Accused-appellant Jessie Haloc y Codon, then fifty-one (51) years old, was apprehended by barangay officials after he hacked Allan de la Cruz, nine (9) years and his brother Arnel, four (4) years old, inside the de la Cruz's yard at Barangay Union, Gubat, Sorsogon on June 22, 2008 at around 12 noon. Arnel died as a result of the hacking blow to his neck, while Allan sustained injuries on his upper arm. (Records, Criminal Case No. 2780, p. 5, 9)

According to the Joint Inquest Memorandum, the accused, who was armed with a 24-inch bolo, went to the dela Cruzes' and attempted to strike the victims' father, Ambrosio who was able to escape. Unfortunately, Ambrosio's five (5) sons were following him. Jessie took his ire on Ambrosio's children, hacking Allan on the arm and taking Arnel and cutting his neck, severing the jugular veins and nearly decapitating his head resulting to Arnel's immediate death. (Records, Criminal Case No. 2780, p. 5)

The accused-appellant, assisted by the Public Attorney's Office (PAO) did not submit any counter-affidavit. (Records, Criminal Case No. 2780, p. 5)

On June 22, 2008, an Information was filed charging accused-appellant of Attempted Murder in Criminal Case No. 2780 as follows:

That on or about 12:00 o'clock noon of June 22, 2008 at Barangay Union, municipality of Gubat, province of Sorsogon, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with treachery and taking advantage of his superior strength, armed with a bolo, did then and there, wilfully, unlawfully and feloniously, with intent to kill, and acting with discernment, attack, assault and hack one ALLAN DE LA CRUZ, a 9 year old minor, hitting the victim on his right arm, thus accused commences (sic) the commission of Murder directly by overt acts but was not able to perform all the acts of execution which would have produce (sic) the crime of Murder by reason of causes or accident other than his own spontaneous desistance, that is, the said Allan de la Cruz was brought to a hospital and was given medical assistance which prevented his death, to his damage and prejudice.

CONTRARY TO LAW. (Records, Criminal Case No. 2780, p. 1)

Another Information was filed against accused-appellant for Murder in Criminal Case No. 2781:

That on or about 12:00 o'clock noon of June 22, 2008 at Barangay Union, municipality of Gubat, province of Sorsogon, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with treachery and taking advantage of his superior strength, armed with a bolo, did then and there, wilfully, unlawfully and feloniously, with intent to kill, and acting with discernment, attack, assault and hack one ARNEL DE LA CRUZ, a 4 year old minor, inflicting upon him mortal wounds which caused his death, to the damage and prejudice of his legal heirs.

CONTRARY TO LAW. (Records, Criminal Case No. 2781, p. 1)

On September 3, 2008, the original date for the accused's arraignment, the PAO manifested that he could not effectively interview the accused as he seemed to be mentally unfit. The PAO asked that the accused be first subjected to psychiatric evaluation which the trial court granted. (Records, Criminal Case No. 2780, p. 20)

On July 7, 2010, the Head of the Department of Psychiatry of Bicol Medical Center, Cadlan, Pili, Camarines Sur submitted a report stating that the accused is already fit for trial. (Records, Criminal Case No. 2780, p. 37)

On July 22, 2010, the accused was arraigned and he pleaded "not guilty" to both charges. (Records, Criminal Case No. 2780, p. 42; Criminal Case No. 2781, p. 21)

Invoking insanity, the (order of) trial was reversed and the accused-appellant was first to present evidence.

Araceli Haloc-Ayo (Araceli) older sister of the accused testified that the victims Arnel and Allan were the accused's neighbours. The accused got angry at them since as they were noisy and he could not sleep. (Rollo, p. 42; TSN, July 11, 2013, pp. 5-6).

Although she was not present during the actual hacking incident, she went near the accused right after and found him standing by the trail. He recognized her and voluntarily gave the bolo to her. Araceli said that she noticed that her brother's eyes were "blazing" but she just came near him to prevent his brother from inflicting further injury. She said that her brother was acting differently and was very fierce. (Rollo, p. 41; TSN, July 11, 2013, pp. 3-6)

Days before the incident, Araceli visited the accused in his place and she learned that he has been drinking alcohol since he could not sleep, thinking about his child who was about to get married. (Rollo, p. 41; TSN, July 11, 2013, pp. 4-5)

Araceli also admitted that prior to the incident, she brought her brother to the hospital where he was treated. He got well and was not violent. He also recognized members of his family. (Rollo, p. 42; TSN, July 11, 2013, p. 6)

Suson Haloc (Susan), the accused's wife, testified that she has been married with him for thirty (30) years. She claimed that her husband was a kind person. In 2003, Jessie was brought to the Mental Hospital in

Cadlan because of a mental disorder. He was cured with the medicines given him. In 2008, her husband's mental disorder recurred as he was drinking liquor again. In the last week of April 2008, the accused was brought to a certain Dr. Gregorio who prescribed four (4) tablets to him which made her husband well. After a month, her husband again suffered a mental disorder. She noticed that his eyes were "glazing", he could not work in the farm normally and he could not recognize her. Thus she left the house two (2) days before the incident and went to Juban, Sorsogon to her siblings. (Rollo, p. 42; TSN, March 14, 2013, pp. 3-7)

Dr. Imelda Escuadra (Dr. Escuadra), a psychiatrist, testified that the accused was brought to Don Susano Memorial Mental Hospital in Cadlan on August 22, 2003 and on July 16, 2007. Although she was not the one who treated the accused, she confirmed that the accused was a patient of the hospital based on their records. Dr. Benedicto Aguirre, now deceased, was the one who personally treated the accused. Another doctor, Dr. Chona Belmonte also saw the accused on October 8, 2008, November 5, 2008 and December 2008. (Rollo, pp. 40-41; TSN, May 2, 2012, pp. 2-8)

The prosecution did not present evidence.³

As stated, the RTC rejected the defense of insanity, and convicted the accused-appellant as charged.⁴ It opined that there was no evidence to show that he had been totally deprived of reason;⁵ that, therefore, he had presented no competent witness to establish his insanity; and that his witnesses had even declared that he had been treated in 2003 and on April 18, 2008,⁶ which, when taken together with the presumption of law in favor of sanity, doomed his defense of insanity. The RTC disposed thusly:

WHEREFORE, all premises considered, this court finds accused **JESSIE HALOC y CODON** guilty beyond reasonable doubt of the crimes of Attempted Murder and Murder.

For Crim. Case No. **2780**: Accused Jessie Haloc y Codon is sentenced to suffer the indeterminate sentence of **six (6) years** of *prision correccional*, maximum as minimum to **eight (8) years and one (1) day** of *prision mayor* medium as **maximum** and to indemnify Allan de la Cruz the amount of **₱5,000** for medical expenses, and.

For Crim. Case No. **2781**: Accused Jessie Haloc y Codon is sentenced to suffer the penalty of ***Reclusion Perpetua*** and to indemnify the heirs of Arnel de la Cruz the amount of **₱50,000** and another **₱50,000** as moral damages

SO ORDERED.⁷

³ Rollo, pp. 2-5.

⁴ CA rollo, p. 44.

⁵ Id.

⁶ Id. at 42-43.

⁷ Id. at 45.

On appeal, the CA affirmed the convictions, observing that even Dr. Imelda Escuadra, the psychiatrist of the Don Susano Memorial Mental Hospital in Cadlan, Pili, Camarines Sur, had testified that the mental condition of the accused-appellant had improved; that during the last time that he had consulted with her, he had no longer shown psychotic signs and symptoms; that his mental condition could not be a mitigating circumstance because no evidence had been presented showing that his mental condition had diminished his will power;⁸ and that, nonetheless, the award of actual damages of ₱5,000.00 should be deleted, and interest at the rate of 6% *per annum* on the civil indemnity and moral damages reckoned from the date of finality of the judgment until full satisfaction should be imposed. The *fallo* reads:

WHEREFORE, the appeal is **DENIED** for lack of merit. The Decision dated March 20, 2014 of the Regional Trial Court, Branch 54 of Gubat, Sorsogon, in Criminal Case Nos. 2780 and 2781 is hereby **AFFIRMED with the MODIFICATION** in that the portion ordering the accused-appellant JESSIE HALOC y CODON to indemnify Allan de la Cruz in the amount of ₱5,000.00 for medical expenses, in Criminal Case No. 2780, is deleted. The award of ₱50,000.00 as civil indemnity and ₱50,000.00 as moral damages in Criminal Case No. 2781, meanwhile, shall earn interest at the legal rate of 6% per annum from the date of finality of the judgment until fully paid.

SO ORDERED.⁹

Hence, this appeal.

Issues

Both the Office of the Solicitor General,¹⁰ representing the People, and the Public Attorney's Office,¹¹ representing the accused-appellant, manifested that in this appeal they were no longer filing supplemental briefs, and that their briefs filed in the CA be considered.

Hence, the accused-appellant submits that his defense of insanity should have been appreciated; that the records contained sufficient evidence proving his having been deprived of reason at the time he hacked the victims; and that even assuming that he was liable for killing Arnel and injuring Allan, he should be favored with the mitigating circumstance.

⁸ *Rollo*, p. 9.

⁹ *Id.* at 10.

¹⁰ *Id.* at 19-21.

¹¹ *Id.* at 24-26.

Ruling of the Court

The appeal lacks merit.

Article 248 of the *Revised Penal Code*, as amended by Republic Act No. 7659, provides as follows:

Article 248. *Murder*. - Any person who, not falling within the provisions of article 246 shall kill another, shall be guilty of murder and shall be punished by *reclusion perpetua* to death, if committed with any of the following attendant circumstances:

1. With treachery, taking advantage of superior strength, with the aid of armed men, or employing means to weaken the defense or of means or persons to insure or afford impunity.

2. In consideration of a price, reward, or promise.

3. By means of inundation, fire, poison, explosion, shipwreck, stranding of a vessel, derailment or assault upon a railroad, fall of an airship, or by means of motor vehicles, or with the use of any other means involving great waste and ruin.

4. On occasion of any of the calamities enumerated in the preceding paragraph, or of an earthquake, eruption of a volcano, destructive cyclone, epidemic or other public calamity.

5. With evident premeditation.

6. With cruelty, by deliberately and inhumanly augmenting the suffering of the victim, or outraging or scoffing at his person or corpse.

The following are the elements of the felony of murder, namely: (1) that a person was killed; (2) that the accused killed him or her; (3) that the killing was attended by any of the qualifying circumstances mentioned in Article 248 of the *Revised Penal Code*; and (4) that the killing was not parricide or infanticide.¹²

There is no denying that the crimes committed by the accused-appellant were murder and attempted murder. Allan dela Cruz, the victim in the attempted murder, declared that the accused-appellant had stormed into their house in order to hack Ambrosio, the victims' father, but Ambrosio had been able to escape the assault by running away. His escape prompted his five sons, including Arnel and Allan, to run away after him. The accused-appellant pursued them, and he first hacked the 9-years old Allan, hitting him in the arm, and then seized the 4-year old Arnel, hacking him in the neck causing his instantaneous death.

¹² *People v. Lagman*, G.R. No. 197807, April 16, 2012, 669 SCRA 512, 522.

The authorship of the crimes by the accused-appellant became undisputed because he himself admitted assaulting the victims. Also undisputed were that Arnel had died from the hacking assault by the accused-appellant, as evidenced by his death certificate, and that both victims were minors below 10 years old, as stipulated during the pre-trial.

The informations charged the accused-appellant with murder and attempted murder, averring that the crimes were committed with treachery. The convictions were warranted. The killing of or assault against a child by an adult assailant is always treated as treacherous,¹³ even if the treacherous manner of the assault is not shown. Indeed, the weakness of the minor victim because of his tender years results in the absence of any danger or risk to the adult assailant.¹⁴ The rationale for such treatment is easy to discern – the minor victim cannot be expected to put up any form of effective resistance because of his tender age, relatively small frame, and inexperience in combat. Moreover, a deadly attack against a minor is easier to execute inasmuch as the minor can offer little, if any, resistance, thereby posing no peril to the attacker.

In his attempt to escape criminal responsibility, the accused-appellant submits that he was entitled to the benefit of the exempting circumstance of insanity. He alleges that he was insane at the time of his lethal assaults, and, therefore, he should not be criminally responsible for the death and injuries he had inflicted.

The submission of the accused-appellant is unwarranted.

Insanity is one of the recognized exempting circumstances under Article 12 of the *Revised Penal Code*, thus:

Article 12. *Circumstances which exempt from criminal liability.* –
The following are exempt from criminal liability:

1. An imbecile or an insane person, unless the latter has acted during a lucid interval.

X X X X

Strictly speaking, a person acting under any of the exempting circumstances commits a crime but cannot be held criminally liable therefor. The exemption from punishment stems from the complete absence of intelligence or free will in performing the act. The defense of insanity is thus

¹³ *People v. Sanchez*, G.R. No. 188610, June 29, 2010, 622 SCRA 548, 560.

¹⁴ *People v. Cabarrubias*, G.R. Nos. L-94709-10, June 15, 1993, 223 SCRA 363, 369.

in the nature of a confession or avoidance. The accused who asserts it is, in effect, admitting to the commission of the crime. Hence, the burden of proof shifts to him, and his side must then prove his insanity with clear and convincing evidence.¹⁵

The defense of insanity rests on the test of cognition on the part of the accused. Insanity, to be exempting, requires the complete deprivation of intelligence, not only of the will, in committing the criminal act.¹⁶ Mere abnormality of the mental faculties will not exclude imputability. The accused must be so insane as to be incapable of entertaining a criminal intent. He must be deprived of reason, and must be shown to have acted without the least discernment because there is a complete absence of the power to discern or a total deprivation of freedom of the will.¹⁷

Further discussion of insanity by the Court in *People v. Dungo*¹⁸ is relevant, thus:

One who suffers from insanity at the time of the commission of the offense charged cannot in a legal sense entertain a criminal intent and cannot be held criminally responsible for his acts. His unlawful act is the product of a mental disease or a mental defect. In order that insanity may relieve a person from criminal responsibility, it is necessary that there be a complete deprivation of intelligence in committing the act, that is, that the accused be deprived of cognition; that he acts without the least discernment; that there be complete absence or deprivation of the freedom of the will. (*People v. Puno*, 105 SCRA 151)

It is difficult to distinguish sanity from insanity. There is no definite defined border between sanity and insanity. Under foreign jurisdiction, there are three major criteria in determining the existence of insanity, namely: delusion test, irresistible impulse test, and the right and wrong test. Insane delusion is manifested by a false belief for which there is no reasonable basis and which would be incredible under the given circumstances to the same person if he is of *compos mentis*. Under the delusion test, an insane person believes in a state of things, the existence of which no rational person would believe. A person acts under an irresistible impulse when, by reason of duress or mental disease, he has lost the power to choose between right and wrong, to avoid the act in question, his free agency being at the time destroyed. Under the right and wrong test, a person is insane when he suffers from such perverted condition of the mental and moral faculties as to render him incapable of distinguishing between right and wrong. (See 44 C.J.S. 2)

So far, under our jurisdiction, there has been no case that lays down a definite test or criterion for insanity. However, We can apply as test or criterion the definition of insanity under Section 1039 of the Revised Administrative Code, which states that insanity is "a

¹⁵ *People v. Pantoja*, G.R. No. 223114, November 29, 2017.

¹⁶ *Peoeple v. Isla*, G.R. No. 199875, November 21, 2012, 686 SCRA 267, 278-279.

¹⁷ *People v. Estrada*, G.R. No. 130487, June 19, 2000, 333 SCRA 699, 713.

¹⁸ G.R. No. 89420, July 31, 1991, 199 SCRA 860, 866-868.

manifestation in language or conduct, of disease or defect of the brain, or a more or less permanently diseased or disordered condition of the mentality, functional or organic, and characterized by perversion, inhibition, or by disordered function of the sensory or of the intellectual faculties, or by impaired or disordered volition." Insanity as defined above is evinced by a deranged and perverted condition of the mental faculties which is manifested in language or conduct. An insane person has no full and clear understanding of the nature and consequence of his act.

Thus, insanity may be shown by surrounding circumstances fairly throwing light on the subject, such as evidence of the alleged deranged person's general conduct and appearance, his acts and conduct inconsistent with his previous character and habits, his irrational acts and beliefs, and his improvident bargains.

Evidence of insanity must have reference to the mental condition of the person whose sanity is in issue, at the very time of doing the act which is the subject of inquiry. However, it is permissible to receive evidence of his mental condition for a reasonable period both before and after the time of the act in question. Direct testimony is not required nor the specific acts of derangement essential to establish insanity as a defense. The vagaries of the mind can only be known by outward acts: thereby we read the thoughts, motives and emotions of a person; and through which we determine whether his acts conform to the practice of people of sound mind. (People v. Bonoan, 64 Phil. 87)

Based on the foregoing, the accused-appellant did not establish the exempting circumstance of insanity. His mental condition at the time of the commission of the felonies he was charged with and found guilty of was not shown to be so severe that it had completely deprived him of reason or intelligence when he committed the felonies charged. Based on the records, he had been administered medication to cure his mental illness, but there was no showing that he suffered from complete deprivation of intelligence. On the contrary, the medical professionals presented during the trial conceded that he had been treated only to control his mental condition.

There was also no showing that the accused-appellant's actions manifested his insanity immediately after the hacking incidents. His own sister, Araceli Haloc-Ayo, declared that he had recognized her and had surrendered the bolo to her after his deadly assault. Clearly, he had not been totally deprived of the capacity of cognition.

The accused-appellant was subjected to medical tests after the hacking incidents. According to Dr. Imelda Escuadra, the psychiatrist of the Don Susano Memorial Mental Hospital in Cadlan, Pili, Camarines Sur, the medications previously prescribed to him were medicines administered to a patient suffering psychosis. She did not categorically state, however, that he had been psychotic. Nonetheless, even if we were to deduce from her testimony that he had been suffering some form of psychosis, there was still

no testimony to the effect that such psychosis had totally deprived him of intelligence or reason.

In view of all the foregoing, the accused-appellant's actions and actuations prior to, simultaneously with and in the aftermath of the lethal assaults did not support his defense of insanity. This, coupled with the presumption of law in favor of sanity, now warrants the affirmance of his convictions, for he had not been legally insane when he committed the felonies.

Neither should his mental condition be considered as a mitigating circumstance. As we have noted, the Defense presented no evidence to show that his condition had diminished the exercise of his will power.¹⁹

To conform to *People v. Jugueta*,²⁰ we modify the awards of civil liabilities. In Criminal Case No. 2781, the awards of civil indemnity and moral damages for the death of Arnel are each increased to ₱75,000.00, and exemplary damages of ₱75,000.00 are granted in addition, the same to be paid to the heirs of the late Arnel. In Criminal Case No. 2780, the sums of ₱25,000.00 as civil indemnity, ₱25,000.00 as moral damages, and ₱25,000.00 as exemplary damages are granted to Allan. In both cases, all the amounts shall earn interest of 6% *per annum* reckoned from the finality of this decision until full settlement.

WHEREFORE, the Court **AFFIRMS IN ALL RESPECTS** the decision promulgated on August 19, 2015 by the Court of Appeals, subject to the following **MODIFICATIONS**, namely:

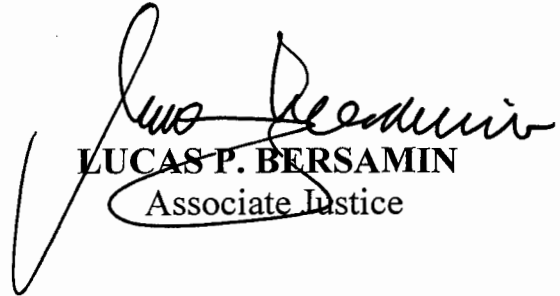
- (1) In Criminal Case No. 2781, the accused-appellant shall pay to the heirs of the late Arnel de la Cruz civil indemnity of ₱75,000.00, moral damages of ₱75,000.00 and exemplary damages of ₱75,000.00;
- (2) In Criminal Case No. 2780, the accused-appellant shall pay to Allan de la Cruz ₱25,000.00 as civil indemnity, ₱25,000.00 as moral damages and ₱25,000.00 as exemplary damages; and
- (3) The accused-appellant shall pay interest at the rate of 6% *per annum* on all the amounts herein granted as civil

¹⁹ Article 14 (9), *Revised Penal Code*.

²⁰ G.R. No. 202124, April 5, 2016, 788 SCRA 331, 382.


liabilities reckoned from the finality of this decision until full settlement, plus the costs of suit.

SO ORDERED.



LUCAS P. BERSAMIN
Associate Justice

WE CONCUR:

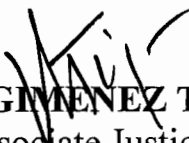


TERESITA J. LEONARDO-DE CASTRO
Chief Justice

(On Wellness Leave)
MARIANO C. DEL CASTILLO
Associate Justice



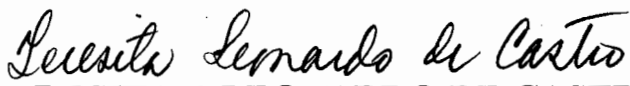
FRANCIS H. JARDELEZA
Associate Justice



NOEL GIMENEZ TIJAM
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



TERESITA J. LEONARDO-DE CASTRO
Chief Justice