



Republic of the Philippines
Supreme Court
 Manila

SUPREME COURT OF THE PHILIPPINES
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FIRST DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 218945

Present:

- versus -

SERENO, C.J., Chairperson,
 CARPIO,*
 LEONARDO-DE CASTRO,
 DEL CASTILLO, and
 TIJAM, JJ.

LORETO DAGSIL y CARITERO,
Accused-Appellant.

Promulgated:
DEC 13 2017

X-----X

DECISION

DEL CASTILLO, J.:

Accused-appellant Loreto Dagsil y Caritero is interposing this appeal upon a lone assignment of error, to wit:

THE COURT *A QUO* GRAVELY ERRED IN NOT TAKING INTO CONSIDERATION THE EXEMPTING CIRCUMSTANCE OF TEMPORARY INSANITY IN FAVOR OF THE ACCUSED-APPELLANT.¹

Accused-appellant was charged with the felony of murder committed, according to the Information² instituted therefor, as follows:

That on or about 6:00 o'clock in the morning of December 2, 2008, at Barangay San Pedro, Municipality of Sto. Domingo, Province of Albay, Philippines and within the jurisdiction of this Honorable Court, the said accused, with intent to kill and with treachery and evident premeditation, armed with a knife, did then and there willfully, unlawfully and feloniously attack, assault and use personal violence upon the person of AMEAN R. BANZUELA, a 14-year

* Per dated October 18, 2017 raffle.
¹ CA rollo, p. 29.
² Records, pp. 2-3.

old minor girl by then and there stabbing her chest, thereby inflicting upon her [a] mortal and fatal stab wound which was the direct and immediate cause of her death, to the damage and prejudice of the heirs of said Amean R. Banzuela.

The aggravating circumstances of treachery and evident premeditation attended the commission of the crime as the attack perpetrated by the accused was so sudden, unexpected and treacherous as the victim was asleep at the time and he deliberately planned to take the life of the said victim having been seen roaming outside the house prior to the stabbing and [waiting] for an opportune time to get inside the victim's house and he [had] sufficient time to reflect upon the consequences of his unlawful act.

The aggravating circumstances of dwelling, abuse of superior strength and disregard of age and sex also attended the commission of the crime. The crime took place inside the house of the victim after [the] accused gained unlawful entry [and] stabbed the sleeping victim, [who was] a minor 14 years of age and a female.

ACTS CONTRARY TO LAW.³

This indictment was docketed as Criminal Case No. FC-08-0361 of the Regional Trial Court (RTC) of Legazpi City.

During his arraignment, the accused-appellant refused to enter any plea, hence the Court entered a plea of not guilty for him.

Since it accords with the records, we take the liberty of quoting the statement of facts as thoroughly and comprehensively narrated in the brief for the accused-appellant, thus:

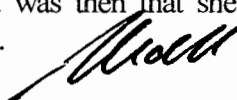
EVIDENCE FOR THE PROSECUTION:

In the morning of 01 December 2008, Amelita Banzuela (Amelita for brevity) was rousing her fourteen (14)-year old daughter Amean Banzuela (Amean for brevity) to prepare for school. The latter complained of [a] headache. It was then that Amean told her that accused Loreto C. Dagsil raped her. Amelita then proceeded to the police station to report what happened to Amean.

The next day, 02 December 2008, at about 6:00 o'clock in the morning, while Amelita was ironing their clothes, she noticed the accused lurking outside their house and so she directed her son, Angelo, to close the front door. At that time, Amean was still asleep in her room.

Thereafter, Amelita was shocked when Amean came to her, with blood all over her and said that the accused just stabbed her. She (Amelita) suddenly went hysterical and began shouting for help. Her other daughter rushed to help Amean while Amelita asked for help. It was then that she saw the accused heading towards his house carrying a knife.

³ Id. at 2.



In court, Amelita testified that she incurred the amount of about Twenty Thousand Pesos (Php20,000.00) for funeral expenses but was only able to present receipts worth Twelve Thousand Six Hundred Fifty Pesos (Php12,650.00).

Meanwhile, on 02 December 2008, at around 5:00 o'clock in the morning, Angelo Banzuela (Angelo for brevity) was watching television while waiting for his sister to finish taking a bath when he heard his mother asking him to close their front door since the latter spotted the accused outside their house.

After closing the door, he (Angelo) went to check on the boiling pot in the kitchen. It was at that time that he saw his sister Amean, with blood all over her body, telling their mother that she was stabbed by the accused.

Fearing that the accused might come back, Angelo locked the back door while his mother was shouting for help. He then saw the accused getting out of their house and into their yard. Thereafter, his other sister Jeca brought Amean to the hospital for treatment.

Dr. James Margallo Belgira conducted an autopsy of Amean's body. In Medico Legal Report No. MLB-150-08, Dr. Belgira declared that the cause of death is hemorrhagic shock secondary to a stab wound of the trunk. He, likewise, found clear signs of blunt vaginal penetrating trauma on her genitals.

EVIDENCE FOR THE DEFENSE:

For his part, accused Loreto C. Dagsil interjected that although he indeed stabbed Amean, he was, however, confused and did not know what he was doing at that time. In the early morning of 02 December 2008, the accused took a stroll in his yard and then went to the store to buy cigarettes. On his way back to his house, he passed by Amean's house and he remembered her taunting him that he was going to be killed and her threatening gestures at him. He was suddenly overcome with confusion and he was not conscious of what was going on.

Not really certain of what happened, the accused then found himself seated inside his bedroom. When he saw the policemen, confusion prevailed over him and he started stabbing himself with the knife he was holding. Thereafter, his bedroom door was forced open and he was brought to the hospital. Afterwards, he was brought to the precinct for processing.⁴

In rejecting the accused-appellant's argument that he should be declared criminally exempt of the murder charge because he was in a state of temporary insanity when he stabbed the now deceased Amean, the RTC ruled:

Accused, while admitting the commission of the act complained of, wants to impress upon this court that he was somewhat not in his right senses at the time, or to borrow his words, he was "*confused*" and "*lost [my] mind*" (TSN, June 13, 2011, page 6). The Court held - :

⁴ CA rollo, pp. 27-29.

'Insanity is the exception rather than the rule in the human condition. While Art. 12(1) of the Revised Penal Code provides that an imbecile or insane person is exempt from criminal liability, unless that person has acted during a lucid interval, the presumption, under Art. 800 of the Civil Code, is that every human is sane. Anyone who pleads the exempting circumstance of insanity bears the burden of proving it with clear and convincing evidence. It is in the nature of confession and avoidance. An accused invoking insanity admits to have committed the crime but claims that he or she is not guilty because of insanity. 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.

x x x

There is a vast difference between a genuinely insane person and one who has worked himself up into such a frenzy of anger that he fails to use reason or good judgment in what he does. We reiterate jurisprudence which has established that only when there is a complete deprivation of intelligence at the time of the commission of the crime should the exempting circumstance of insanity be considered.

It is apt to recall x x x where this Court ruled that the professed inability of the accused to recall events before and after the stabbing incident, as in the instant case, does not necessarily indicate an aberrant mind but is more indicative of a concocted excuse to exculpate himself. It is simply too convenient x x x to claim that he could not remember anything rather than face the consequences of his terrible deed.

The requirements for a finding of insanity have not been met by the defense. x x x The presumption of sanity has not been overcome (People of the Philippines vs. Honorio Tibon y Dieso, G.R. No. 188320, June 29, 2010).'

Except for his self-serving testimony, no other corroborative, much less medical and/or expert, evidence was presented by the defense to prove the professed mental aberration of the accused.⁵

With regard to the civil aspect of the case, the RTC held:

As to actual damages, the official receipts that the prosecution presented showed expenses that amounted to ₱12,650.00 only (*Exhibits F to F-3*).

'However, we have held that when actual damages proven by receipts amount to less than ₱25,000.00, the award of temperate damages [amounting] to ₱25,000.00 is justified, in

⁵ Records, pp. 161-163.



lieu of actual damages for a lesser amount. This is based on the sound reasoning that it would be anomalous and unfair to the heirs of the victim who tried but succeeded only in proving actual damages of less than ₱25,000.00. They would be in a worse situation than another who might have presented no receipts at all, but is entitled to ₱25,000.00 temperate damages (People of the Philippines v/s. Alvin Del Rosario, G.R. No. 189580, February 9, 2011).'

Thus, considering that expenses in the amount of ₱12,650.00 were proven by Amean's heirs, an award of ₱25,000.00 as temperate damages in lieu of this lesser amount of actual damages, is proper.⁶

The RTC thereafter disposed as follows:

ALL THE FOREGOING CONSIDERED, the guilt of the accused having been proved beyond peradventure of doubt, LORETO DAGSIL y CARITERO is hereby found guilty of murder. Accordingly, he is hereby sentenced to suffer the penalty of *reclusion perpetua* without eligibility of parole, pursuant to Section 3 of Republic Act No. 9346, and ordered to indemnify the heirs of Amean Banzuela, the following amounts:

- (a) Php50,000.00 as civil indemnity;
- (b) Php50,000.00 as moral damages;
- (c) Php25,000.00 as temperate damages; and
- (d) Php30,000.00 as exemplary damages.

SO ORDERED.⁷

The accused-appellant elevated the RTC's verdict to the Court of Appeals (CA) whereat it was docketed as CA-G.R. CR. HC. No. 05536; and in support of his appeal, the accused-appellant insisted that the RTC committed a reversible error in not pronouncing him criminally exempt of the murder charge since he was in the state of temporary insanity at the time he committed the crime. But the CA rejected this argument, and reasoned out *viz.*:

Thus, this Court is only faced with the issue raised by accused-appellant that he should be exculpated from the crime since he committed the same while he was in a state of temporary insanity.

We are not convinced.

Article 12 of the RPC provides for one of the circumstances which will exempt one from criminal liability which is when the perpetrator of the act was an imbecile or insane, unless the latter has acted during a lucid interval. This circumstance, however, is not easily available to an accused as a successful

⁶ Id. at 163.

⁷ Id. at 163-164.



defense. Insanity is the exception rather than the rule in the human condition. Under Article 800 of the Civil Code, the presumption is that every human is sane. Anyone who pleads the exempting circumstance of insanity bears the burden of proving it with clear and convincing evidence. It is in the nature of confession and avoidance. An accused invoking insanity admits to have committed the crime but claims that he or she is not guilty [thereof] because of insanity. The testimony or proof of an accused's insanity must, however, relate to the time immediately preceding or simultaneous with the commission of the offense with which he is charged.

In order for insanity to be an acceptable defense to exempt an accused from criminal liability, the same must have been proven with clear and convincing evidence. In the instant case, as aptly observed by the RTC, the accused-appellant failed to present any corroborative medical evidence to support his claim. What he presented were mere statements that he was 'confused' when he committed the horrible act which are, at best, self-serving and devoid of credence. As such, the accused-appellant failed to overthrow the presumption that he was sane during the commission of the offense.⁸

The foregoing finding was evidently based upon the following testimony-in-chief of the accused-appellant taken during the hearing before the RTC on June 13, 2011:

ATTY. CIMANES [defense counsel]

Q You said x x x you were in your residence [at Sto. Domingo].

x x x x

Q After you woke up, Mr. Witness, what did you do?

A x x x I took a stroll [in] the yard.

Q x x x [D]o you have any companion in your residence?

A My wife.

x x x x

Q x x x [A]fter [taking] a stroll in your yard, what did you do next x x x?

A I went to a store to buy cigarettes.

Q Were you able to buy cigarettes?

A Yes, sir.


Q What did you do after [buying] cigarettes?

A I went back home.

Q x x x

A x x x [O]n my way home I happened to pass by the house [of] this person who filed a case against me. I saw the victim and at that time I x x x felt so confused. It seems that I lost my mind. I stabbed that girl.

⁸ CA rollo, pp. 86-87.

- Q x x x [W]ho filed a case against you x x x?
A Amelita Banzuela.
- Q You said that you were able to stab a person, how is this person related to Amean Banzuela?
A A daughter of [Amelita].
- Q x x x [W]hy [did] you x x x stab the daughter of [Amelita]?
A Because she x x x told me that I will be killed and even [placed] her hand across her neck which I interpreted as I will be killed.
- Q x x x [W]ere you conscious x x x [of] your actuation at the time you [stabbed] the child of Mrs. Amelita Banzuela?
A I [was] not conscious of what I did then. I [was] confused. I [was] seeing my face as so blurred.
- Q You said that you [stabbed] the daughter of Amelita Banzuela, where did you get the knife?
A From my residence. From my house.
- Q [When you bought cigarettes, did] you already have that knife with you?
A I cannot recall.
- Q [After stabbing] the daughter of Amelita Banzuela, [could] you recall where you proceed[ed] at that time?
A I went back to my residence and took a seat inside our bedroom.
- Q What did you do after you entered your x x x bedroom?
A While waiting in my bedroom I noticed the presence of policemen. x x x I [was] confused of the situation and I decided to also stab myself using the same knife which [I was holding].
- Q After you stabbed yourself x x x what happened next?
A I noticed that the door [to] my bedroom was being forced open x x x. The policeman came and x x x they placed me in the porch.
- Q What happened after the policeman brought you to the porch, x x x?
A From the porch the policeman took me to the municipal police station of Sto. Domingo, Albay.
- Q Were you treated [of] the injuries you sustained considering that you also stabbed yourself?
A I was also brought to the hospital.
- Q You mentioned that you were able to stab the daughter of Amelita Banzuela, her daughter Amean Banzuela, who is the victim in this case?
A Yes, sir.
- Q [Did] you know x x x that this Amean Banzuela died because of the stabbing incident?
A I did not know earlier.⁹
- 

⁹ TSN dated June 13, 2011, pp. 5-7.

Like the RTC, the CA adjudged that the crime committed by the accused-appellant in this case was, indeed, murder, qualified by treachery and by evident premeditation. The CA declared thus:

Under Article 248 of the RPC, murder is committed when the killing of a person by another is attended by the qualifying circumstances [of] treachery, evident premeditation and abuse of superior strength.

In *People v. Isla*, the Supreme Court clarified that for treachery to exist ‘the offender commits any of the crimes against persons, employing means, methods, or forms in the execution, which tend directly and specially to insure its execution, without risk to the offender arising from the defense which the offended party might make.’ It is important in ascertaining the existence of treachery that it be proven that the attack was made swiftly, deliberately, unexpectedly, and without a warning, thus affording the unsuspecting victim no chance to resist or escape the attack. In the instant case, Loreto killed Amean while the latter was sleeping and had no chance to resist or escape the attack. Clearly, there was treachery. Meanwhile, the circumstance of abuse of superior strength is deemed absorbed in treachery.

The essence of evident premeditation is that the execution of the criminal act is preceded by cool thought and reflection upon the resolution to carry out the criminal intent within a space of time sufficient to arrive at a calm judgment. In the case before Us, the accused-appellant went home after taking a stroll and after buying cigarettes, then he took the knife from his residence and used same to kill the victim. Thus, We are one with the RTC in its findings that there was evident premeditation in the commission of the crime.¹⁰

The CA, however, modified the civil indemnity awarded by the RTC, as well as imposed interest on the damages awarded, to wit:

Lastly, in light of the Supreme Court’s ruling in *People v. Malicdem* and *People v. Laurio*, the civil indemnity awarded to the heirs of Amean is increased from ₱50,000.00 to ₱75,000.00. The award of civil indemnity in the instant case is, thus, modified accordingly. Further, in accordance with the current policy, We also impose on all the monetary awards for damages an interest at the legal rate of six (6%) percent from date of finality of this Decision until fully paid.¹¹

Ultimately, the CA decreed dispositively as follows:

WHEREFORE, in view of the foregoing, instant appeal is hereby DENIED. The Decision dated February 24, 2012 of the Regional Trial Court (RTC) of Legazpi City, Branch 8 in Criminal Case No. FC-08-0361, convicting accused-appellant Loreto Dagsil y Caritero of the crime of Murder is hereby AFFIRMED with MODIFICATION.



¹⁰ CA rollo, pp. 87-88.

¹¹ Id. at 88.

The civil indemnity imposed in the RTC's Decision, contained in its dispositive portion, is hereby modified to read as follows:

ALL THE FOREGOING CONSIDERED, the guilt of the accused having been proved beyond peradventure of doubt, LORETO DAGSIL y CARITERO is hereby found guilty of murder. Accordingly, he is hereby sentenced to suffer the penalty of *reclusion perpetua* without eligibility for parole, pursuant to Section 3 of Republic Act No. 9346, and ordered to indemnify the heirs of Amean Banzuela, the following amounts:

- (a) Php75,000.00 as civil indemnity;
- (b) Php50,000.00 as moral damages;
- (c) Php25,000.00 as temperate damages; and
- (d) Php30,000.00 as exemplary damages.

In addition, interest shall be imposed on all the monetary awards for damages assessed at the legal rate of six (6%) percent from the date of finality of this Decision until fully paid.

SO ORDERED.¹²

As already stated, given that the instant appeal before this Court is anchored on the same ground as the appeal before the CA, a premise that the CA correctly spurned and rejected because it is utterly devoid of merit, it stands to reason that the instant appeal must now suffer the same fate that befell it before the appellate court.

A simple reading of the aforequoted testimony of the accused-appellant shows that he was hardly the mentally deranged or insane (whether temporarily or permanently) person that he claimed he was when he stabbed Amean Banzuela (Amean) to death. His answers to the questions propounded to him by his counsel were intelligent, responsive, and straightforward; they were not the answers of an unintelligent person or nitwit that he says he is. In fact, he knew where he lives – at Sto. Domingo; he knew what he did when he woke up that morning when the incident happened – he took a stroll in the yard; he knew that he has a wife who is still alive; he remembered that after taking a stroll in the yard, he went to a store to buy cigarettes; he recalled that after buying cigarettes, he went back home; he also mentioned that on the way home, he happened to pass by the house of Amelita Banzuela (Amelita) who filed a rape case against him because he violated her daughter Amean; he admitted that when he saw Amean, he felt “confused” and stabbed the girl; he acknowledged that Amean was a daughter of Amelita; he stabbed Amean because she told him that he would be killed, and even made the gesture of placing her hand across her neck; he knew that the knife he used in the stabbing of Amean came from his residence; he also recalled what transpired after the stabbing, *i.e.*, he went back to his residence, and while inside his bedroom, he

¹² Id. at 88-89.

stabbed himself using the same knife which he used in stabbing Amean; he also recalled that the policeman forced open the door to his bedroom, which he himself locked after entering; placed him in the porch, and thereafter took him to the municipal police station in Sto. Domingo, Albay. Against this factual backdrop, which convincingly showed that he is an intelligent, cognitive, rational and thinking person at the time of the stabbing, the accused-appellant's plea of insanity must be rejected because it has no leg to stand on.

It must be stated, however, that in view of the attendant circumstance of treachery which qualified the killing to murder, as well as the presence of evident premeditation, and the ordinary aggravating circumstance of dwelling, the imposable penalty would have been death if not for the proscription for its imposition under Republic Act No. 9346. Thus, both the RTC and the CA correctly imposed the penalty of *reclusion perpetua* on accused-appellant. However, there is a need to modify the damages awarded. Pursuant to *People v. Jugueta*,¹³ the awards for civil indemnity, moral damages, and exemplary damages are increased to ₱100,000.00 each.¹⁴ The award of temperate damages, in lieu of actual damages, is also increased to ₱50,000.00.¹⁵ The interest of 6% per annum imposed on all damages awarded is proper.

WHEREFORE, the instant appeal is hereby **DISMISSED**. The June 19, 2014 Decision of the Court of Appeals in CA-G.R. CR. HC. No. 05536, finding accused-appellant Loreto Dagsil y Caritero guilty beyond reasonable doubt of murder and sentencing him to suffer the penalty of *reclusion perpetua* is **AFFIRMED with further MODIFICATIONS** that the awards for civil indemnity, moral damages, and exemplary damages are increased to ₱100,000.00 each while temperate damages, in lieu of actual damages, is increased to ₱50,000.00.

SO ORDERED.


MARIANO C. DEL CASTILLO
Associate Justice

¹³ 788 Phil. 331 (2016).

¹⁴ Id. at 382.

¹⁵ Id. at 388.

WE CONCUR:



MARIA LOURDES P. A. SERENO

Chief Justice

Chairperson



ANTONIO T. CARPIO

Associate Justice



TERESITA J. LEONARDO-DE CASTRO

Associate Justice



NOEL GIVENEZ 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.



MARIA LOURDES P. A. SERENO

Chief Justice

