



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 208719

- versus -

Present:

ROGER RINGOR UMAWID,
Accused-Appellant.

CARPIO, J., Chairperson,
BRION,
DEL CASTILLO,
PEREZ, and
PERLAS-BERNABE, JJ.

Promulgated:
JUN 09 2014

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RESOLUTION

PERLAS-BERNABE, J.:

Assailed in this ordinary appeal¹ filed by accused-appellant Roger Ringor Umawid (Umawid) is the Decision² dated February 28, 2013 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 05332 which affirmed the Joint Decision³ dated November 8, 2011 of the Regional Trial Court of Roxas, Isabela, Branch 23 (RTC) in Criminal Case Nos. 23-0471⁴ and 23-0543, finding Umawid guilty of the crimes of Murder and Frustrated Murder, defined and penalized under Article 248 of the Revised Penal Code, as amended (RPC). The Informations⁵ therefor read as follows:

Criminal Case No. Br. 23-0471

That on or about the 26th day of November, 2002, in the municipality of San Manuel, province of Isabela, Philippines, and within

¹ Notice of Appeal dated March 13, 2013; *rollo*, pp. 15-16.
² Id. at 2-14. Penned by Associate Justice Isaias P. Dicdican, with Associate Justices Michael P. Elbinias and Nina G. Antonio-Valenzuela, concurring.
³ CA *rollo*, pp. 17-30. Penned by Judge Bernabe B. Mendoza.
⁴ "Criminal Case No. Br. 23-0471" in some parts of the records.
⁵ Records (Criminal Case No. Br. 23-0471), pp. 1-2; records (Criminal Case No. 23-0543), pp. 1-2.

the jurisdiction of this Honorable Court, the said accused, with intent to kill and with evident premeditation and treachery, did then and there, willfully, unlawfully and feloniously, assault, attack and hack with a long bolo (*panabas*) one Maureen Joy Ringor, a two year old baby girl, inflicting upon her body mortal wounds, which directly and instantaneously caused her death.

CONTRARY TO LAW.

Roxas, Isabela, November 27, 2002.⁶

Criminal Case No. 23-0543

That on or about the 26th day of November, 2002, in the municipality of San Manuel, province of Isabela, Philippines and within the jurisdiction of this Honorable Court, the said accused, with intent to kill and with evident premeditation and treachery, did then and there, willfully, unlawfully and feloniously, assault, attack and hack for several times with a long bolo (*Panabas*) one, Jeffrey R. Mercado, inflicting upon him, incised wounds on the (R) and (L), hand and on the parietal area, which injuries would ordinarily cause the death of the said Jeffrey R. Mercado, thus, performing all the acts of execution which should have produced the crime of Murder, as a consequence, but nevertheless, did not produce it, by reason of causes independent of his will, that is, by the timely and able medical assistance rendered to the said Jeffrey R. Mercado, which prevented his death.

CONTRARY TO LAW.

Iligan for Roxas, Isabela, April 3, 2003.⁷

The Facts

The prosecution presents the following version of the facts:

At around 4 o'clock in the afternoon of November 26, 2002, Vicente Ringor (Vicente) was staying with his two (2)-year old granddaughter, Maureen Joy Ringor (Maureen), at the terrace of their house located at Villanueva, San Manuel, Isabela. Suddenly, Umawid appeared and started attacking Vicente with a *panabas* with neither reason nor provocation. While Vicente was able to evade Umawid's blows, the latter nevertheless hit Maureen on her abdomen and back, causing her instantaneous death. Upon seeing Maureen bloodied, Umawid walked away.⁸

Thereafter, Umawid went to a nearby house which was only five (5) meters away from Vicente's house⁹ where his nephew, Jeffrey R. Mercado

⁶ Records (Criminal Case No. Br. 23-0471), p. 1.

⁷ Records (Criminal Case No. 23-0543), p. 1.

⁸ *Rollo*, pp. 4-5.

⁹ See Transcript of Stenographic Notes, June 15, 2010, p. 11.

(Jeffrey), was sleeping. Awakened by the commotion, Jeffrey went outside only to see his uncle charging at him with his *panabas*. Instinctively, Jeffrey, along with his sister and cousin, rushed inside the house to seek for safety. However, Umawid was able to prevent Jeffrey from closing the door of the house, and, as such, the former was able to barge into the said house. Cornered and nowhere else to go, Jeffrey crouched and covered his head with his arms to shield him from Umawid's impending attacks. Eventually, Umawid delivered fatal hacking blows to Jeffrey, causing the mutilation of the latter's fingers. Umawid only stopped his barrage upon seeing Jeffrey, who was then pretending to be dead, leaning on the wall and blood-stained.¹⁰

For his part, Umawid set up the defense of insanity, but did not, however, take the witness stand to attest to the same. Instead, he presented the testimonies of Dr. Arthur M. Quincina (Dr. Quincina) and Dr. Leonor Andres Juliana (Dr. Juliana) to bolster his claim. Dr. Quincina testified that he evaluated Umawid's psychiatric condition in May 2002, February 2003, and on March 24, 2003 and found that the latter was manifesting psychotic symptoms. However, he could not tell with certainty whether Umawid was psychotic at the time of the commission of the crimes. On the other hand, Dr. Juliana failed to testify on Umawid's mental state since she merely referred the latter to another doctor for further evaluation.¹¹

The RTC Ruling

In a Joint Decision¹² dated November 8, 2011, the RTC found Umawid guilty beyond reasonable doubt of the crime of Murder in Criminal Case No. 23-0471, and sentenced him to suffer the penalty of *reclusion perpetua* and ordered him to pay the heirs of Maureen the amounts of ₱50,000.00 as civil indemnity and ₱50,000.00 as moral damages. Umawid was also found guilty beyond reasonable doubt of the crime of Frustrated Murder in Criminal Case No. 23-0543, and sentenced to suffer the penalty of imprisonment for an indeterminate period of six (6) years, eight (8) months, and one (1) day of *prision mayor*, as minimum, to fourteen (14) years, eight (8) months, and one (1) day of *reclusion temporal*, as maximum, and ordered to pay Jeffrey the sum of ₱10,000.00 as moral damages.¹³

The RTC found that Umawid committed the acts complained of in the informations and that they were done in a treacherous manner, considering that Maureen was only two (2) years old at the time of the attack and thus, cannot be expected to put up a defense, and that Jeffrey was never given an opportunity to defend himself. Further, it did not lend credence to Umawid's

¹⁰ Id. at 5.

¹¹ Id. at 5-6.

¹² CA *rollo*, pp. 17-30.

¹³ Id. at 29-30.

alleged insanity as the defense failed to show that he was indeed of unsound mind at the time of the commission of the crimes.¹⁴

Aggrieved, Umawid appealed to the CA.

The CA Ruling

In a Decision¹⁵ dated February 28, 2013, the CA affirmed Umawid's conviction. It held that by invoking the defense of insanity, Umawid had, in effect, admitted the commission of the crimes but nevertheless pleaded to be exonerated from criminal liability. However, he failed to prove by clear and positive evidence that he was actually insane immediately preceding the time of the commission of the crimes or during their execution.

Dissatisfied with the CA's ruling, Umawid filed the instant appeal.

The Issue Before the Court

The issue for the Court's resolution is whether or not Umawid's conviction for the crimes of Murder and Frustrated Murder should be upheld.

The Court's Ruling

Umawid's appeal is bereft of merit.

A. *The Defense of Insanity*

Umawid's plea of insanity as an exempting circumstance to exonerate himself from criminal liability rests on Article 12 of the RPC which provides:

Art. 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.

Where the imbecile or an insane person has committed an act which the law defines as a felony (*delito*), the court shall order his confinement in one of the hospitals or asylums established for persons

¹⁴ See *id.* at 22-28.

¹⁵ *Rollo*, pp. 2-14.

thus afflicted, which he shall not be permitted to leave without first obtaining the permission of the same court.

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As case law instructs, **the defense of insanity is in the nature of confession and avoidance because an accused invoking the same admits to have committed the crime but claims that he or she is not guilty because of such insanity.** As there is a presumption in favor of sanity, **anyone who pleads the said defense bears the burden of proving it with clear and convincing evidence.** Accordingly, the evidence on this matter must relate to the time immediately preceding or simultaneous with the commission of the offense/s with which he is charged.¹⁶

Insanity exists when there is a complete deprivation of intelligence while committing the act, *i.e.*, when the accused is deprived of reason, he acts without the least discernment because there is a complete absence of power to discern, or there is total deprivation of freedom of the will. Mere abnormality of the mental faculties is not enough, especially if the offender has not lost consciousness of his acts. Insanity is evinced by a deranged and perverted condition of the mental faculties and is manifested in language and conduct. Thus, in order to lend credence to a defense of insanity, it must be shown that the accused had no full and clear understanding of the nature and consequences of his or her acts.¹⁷

In this case, Umawid solely relied on the testimonies of Dr. Quincina and Dr. Juliana to substantiate his plea of insanity. Records, however, reveal that Dr. Quincina's testimony only showed that he evaluated Umawid's mental condition in May 2002, February 2003, and March 2003.¹⁸ In other words, he only examined Umawid six (6) months before the latter committed the crimes and three (3) months and four (4) months thereafter. Notably, he admitted that his findings did not include Umawid's mental disposition immediately before or at the very moment when he committed such crimes.¹⁹ As such, Dr. Quincina's testimony cannot prove Umawid's insanity. Neither would Dr. Juliana's testimony shore up Umawid's cause as the former failed to attest to the latter's mental condition and even referred him to another doctor for further evaluation. Given these circumstances, Umawid's defense of insanity remained unsubstantiated and, hence, he was properly adjudged by the RTC and the CA as criminally liable.

With Umawid's criminal liability having been established, the Court now proceeds to examine whether or not treachery was correctly appreciated as a qualifying circumstance for the crimes charged.

¹⁶ See *People v. Isla*, G.R. No. 199875, November 21, 2012, 686 SCRA 267, 277.

¹⁷ See *People v. Domingo*, 599 Phil. 589, 606 (2009).

¹⁸ See *rollo*, pp. 6 and 10.

¹⁹ *Id.*

B. The Qualifying Circumstance of Treachery

Under Article 248 of the RPC, treachery qualifies the killing of a person to the crime of Murder:

Art. 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; (Emphases and underscoring supplied)

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The concept of treachery in criminal law is well-established – there is treachery when the offender commits any of the crimes against the person, employing means, methods or forms in the execution thereof which tend directly and specially to insure its execution, without risk to himself arising from the defense which the offended party might make.²⁰ Based on the foregoing, it may then be deduced that two (2) conditions must concur for treachery to be appreciated: *first*, the employment of means of execution that gives the person attacked no opportunity to defend himself or to retaliate; and, *second*, the means of execution was deliberate or consciously adopted.²¹

In this relation, jurisprudence states that an unexpected and sudden attack which renders the victim unable and unprepared to put up a defense is the essence of treachery.²² Likewise, it has been held that the killing of a child is characterized by treachery even if the manner of the assault is not shown because the weakness of the victim due to her tender age results in the absence of any danger to the accused.²³

With these principles in mind, the Court agrees with the findings of the RTC and the CA that treachery was attendant in the killing of Maureen. The facts of this case show that Umawid suddenly appeared at the terrace of Vicente's house and started attacking Vicente with *panabas*. However, the latter was able to evade Umawid's attacks, resulting in Maureen being inadvertently hit and killed in the process. While it was not shown that Umawid consciously employed treachery so as to insure the death of Maureen, who was then just two (2) years old at the time, it is well to

²⁰ See Article 14(16) of the RPC.

²¹ *People v. Lacaden*, G.R. No. 187682, November 25, 2009, 605 SCRA 784, 800.

²² See *People v. Agacer*, G.R. No. 177751, December 14, 2011, 662 SCRA 461, 472-473.

²³ See *People v. Ganohon*, 273 Phil. 672 (1991).

reiterate that the killing by an adult of a minor child is treacherous,²⁴ and thus, qualifies Maureen's killing to Murder.

In the same manner, treachery exists in Umawid's attack on Jeffrey, albeit the Court disagrees with the RTC and the CA's finding that Umawid employed means, methods, and forms that rendered Jeffrey incapable of raising a credible defense.²⁵ While it is true that treachery may also be appreciated even when the victim was warned of the danger to his person and what is decisive is that the execution of the attack made it impossible for the victim to defend himself or to retaliate,²⁶ a review of the factual circumstances herein would reveal that it was not impossible for Jeffrey to put up a defense against Umawid's attacks. In fact, Jeffrey was sufficiently informed of Umawid's impending assault upon him as he saw the latter charging at him. Jeffrey even attempted to prevent Umawid from entering the house, albeit he was unsuccessful in doing so. Despite this, Jeffrey was still capable of mounting a defense against Umawid's attacks – but it was simply unfortunate that he chose not to do so when he crouched and covered his head with his arms. Nevertheless, treachery may still be appreciated on account of Jeffrey's minority, considering that he was just 15 years of age when Umawid attacked him. Instructive on this point is the case of *People v. Guzman*,²⁷ where it was held that treachery attended the killing of a 17-year old victim due to his minority, *viz.*²⁸

As viewed from the foregoing, the suddenness and unexpectedness of the attack of appellant and his two companions rendered Michael defenseless, vulnerable and without means of escape. It appears that Michael was unarmed and alone at the time of the attack. Further, he was merely **seventeen years of age** then. In such a helpless situation, it was absolutely impossible for Michael to escape or to defend himself against the assault of appellant and his two companions. Being young and weak, Michael is certainly no match against adult persons like appellant and his two companions. Michael was also outnumbered since he had three assailants, and, was unarmed when he was stabbed to death. Appellant and his two companions took advantage of their size, number, and weapon in killing Michael. They also deliberately adopted means and methods in exacting the cruel death of Michael by first surrounding him, then grabbing his shoulders and overpowering him. Afterwards, each of them repeatedly stabbed Michael with a knife at the stomach until the latter fell lifeless to the ground. The stab wounds sustained by Michael proved to be fatal as they severely damaged the latter's large intestine.

The fact that the place where the incident occurred was lighted and many people were walking then in different directions does not negate treachery. It should be made clear that the essence of treachery is the sudden and unexpected attack on an unsuspecting victim without the slightest provocation on his part. **This is even more true if the assailant**

²⁴ See *People v. Domingo*, supra note 16, at 610, citing *People v. Cruz*, 429 Phil. 511, 520 (2002).

²⁵ See *rollo*, p. 13.

²⁶ *People v. Garin*, 476 Phil. 455, 476 (2004).

²⁷ 542 Phil. 152 (2007).

²⁸ *Id.* at 171-172; citations omitted.

is an adult and the victim is a minor. Minor children, who by reason of their tender years, cannot be expected to put up a defense. Thus, when an adult person illegally attacks a minor, treachery exists. As we earlier found, Michael was peacefully walking and not provoking anyone to a fight when he was stabbed to death by appellant and his two companions. Further, Michael was a minor at the time of his death while appellant and his two companions were adult persons. (Emphases and underscoring supplied)

In this light, there is no reason not to appreciate the qualifying circumstance of treachery in an attack against a minor, as in this case.

C. Aberratio Ictus; Due Process Considerations

As a final point, the Court observes that Maureen's death is a case of *aberratio ictus*, given that the fatal blow therefor was only delivered by mistake as it was actually Vicente who was Umawid's intended target. In this regard, Umawid's single deed actually resulted in the: (a) Attempted Murder of Vicente; and (b) Consummated Murder of Maureen. This may be classified as species of complex crime defined under Article 48²⁹ of the RPC, particularly, a *delito compuesto*, or a compound crime where a single act produces two (2) or more grave or less grave felonies.³⁰ Based on the foregoing, Umawid should have been punished for committing the complex crime of Murder and Attempted Murder, pursuant to Article 48 in relation to Article 4(1)³¹ of the RPC. However, considering that the information in Criminal Case No. 23-0471 only charged him with the Murder of Maureen, Umawid cannot be convicted of a complex crime because to do so would be violative of his right to due process.³² As held in the case of *Burgos v. Sandiganbayan*:³³

In criminal cases, where the life and liberty of the accused is at stake, due process requires that the accused be informed of the nature and cause of the accusation against him. **An accused cannot be convicted of an offense unless it is clearly charged in the complaint or information.** To convict him of an offense other than that charged in the complaint or

²⁹ Article 48 of the RPC provides:

Article 48. *Penalty for complex crimes.* – When a single act constitutes two or more grave or less grave felonies, or when an offense is a necessary means for committing the other, the penalty for the most serious crime shall be imposed, the same to be applied in its maximum period.

³⁰ See *People v. Malinao*, 467 Phil. 432, 447 (2004).

³¹ Article 4(1) of the RPC provides:

Article 4. *Criminal liability.* – Criminal liability shall be incurred:

(1) By any person committing a felony (*delito*) although the wrongful act done be different from that which he intended.

³² See *People v. Macagaling*, G.R. Nos. 109131-33, October 3, 1994, 237 SCRA 299.

³³ G.R. No. 123144, October 15, 2003, 413 SCRA 385.

information would be a violation of this constitutional right.³⁴ (Emphasis and underscoring supplied)

All told, the Court hereby finds Umawid guilty beyond reasonable doubt of the crimes of Murder in Criminal Case No. 23-0471 and Frustrated Murder in Criminal Case No. 23-0543, defined and penalized under Article 248 of the RPC.

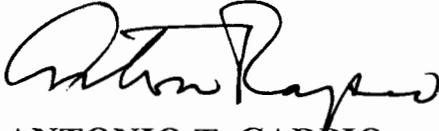
In addition, interest at the rate of six percent (6%) per annum shall be imposed on all damages awarded from the date of finality of judgement until fully paid, pursuant to prevailing jurisprudence.³⁵

WHEREFORE, the appeal is **DENIED**. The Decision dated February 28, 2013 of the Court of Appeals in CA-G.R. CR-HC No. 05332 is hereby **AFFIRMED** with **MODIFICATION** in that interest at the rate of six percent (6%) per annum shall be imposed on all damages awarded from the date of finality of judgment, until fully paid.

SO ORDERED.


ESTELA M. PERLAS-BERNABE
Associate Justice

WE CONCUR:


ANTONIO T. CARPIO
Associate Justice
Chairperson


ARTURO D. BRION
Associate Justice


MARIANO C. DEL CASTILLO
Associate Justice


JOSE PORTUGAL PEREZ
Associate Justice

³⁴ Id. at 392; citations omitted.

³⁵ *People v. Dumadag*, G.R. No. 176740, June 22, 2011, 652 SCRA 535, 550, citing *People v. Galvez*, G.R. No. 181827, February 2, 2011, 641 SCRA 472, 485.

ATTESTATION

I attest that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



ANTONIO T. CARPIO
Associate Justice
Chairperson, Second Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, and the Division Chairperson's Attestation, I certify that the conclusions in the above Resolution 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