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REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated 27 November 2019 which reads as follows:*

**“G.R. No. 241629 (People of the Philippines vs. Godwin Bathan y Barredo).** – Before this Court is an appeal<sup>1</sup> pursuant to Section 3(c), Rule 122 of the Rules of Court seeking to annul and set aside the Decision<sup>2</sup> dated December 22, 2017 of the Court of Appeals (CA) in CA-G.R. CR HC No. 07667.

**Antecedent Facts**

Godwin Bathan y Barredo (accused-appellant) was charged with the crime of Murder by virtue of an Information dated July 13, 2005,<sup>3</sup> the accusatory portion of which reads:

That on or about the 15<sup>th</sup> day of June 2005, at about 6:00 o'clock in the morning, at Barangay Maigsing Dahilig, Municipality of Lemery, Province of Batangas, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, armed with a bolo, with intent to kill, with the qualifying circumstance of treachery, evident premeditation and abuse of superior strength and without justifiable cause, did then and there willfully, unlawfully and feloniously attack, assault and hack with the said bolo one Liezl Barredo y Bucela, an eleven (11) year old minor, suddenly and without warning, thereby inflicting upon the latter hack wounds on her face, cervical area and left thorax, which directly caused her death.

Contrary to law.<sup>4</sup>

On January 17, 2006, the accused-appellant filed a Motion for Mental Examination of his fitness to undergo trial. The Regional Trial Court (RTC) of Lemery, Batangas granted his motion and ordered the jail warden that the

<sup>1</sup> CA rollo, pp. 156-157.

<sup>2</sup> Penned by Associate Justice Ramon Paul L. Hernando (now a Member of this Court), with Associate Justices Marlene B. Gonzales-Sison and Henri Jean Paul B. Inting (now a Member of this Court), concurring; id. at 118-130.

<sup>3</sup> Id. at 118-119.

<sup>4</sup> Id. at 119.

accused-appellant be brought to the National Center for Mental Health (NCMH) in Batangas City for examination. Pending result, the arraignment of the accused-appellant was held in abeyance.<sup>5</sup>

On February 22, 2006, Dr. Romeo Roque (Dr. Roque), Medical Officer of the Psychiatry Section of Batangas Regional Hospital and Dr. Imelda Martin (Dr. Martin) submitted to the RTC their Report dated February 16, 2006. Therein, they diagnosed the accused-appellant to be suffering from Schizophrenia. The accused-appellant was then prescribed anti-psychotic medications and advised to come-back for a follow-up test. Acting on the doctors' recommendation, the counsel for the accused-appellant filed another motion for the latter to be allowed to undergo another check-up, which the RTC granted in its Order dated March 6, 2006.<sup>6</sup>

On June 26, 2006, the accused-appellant, through his mother, Aurea Bathan (Aurea), filed a Motion for Confinement before the RTC, this time requesting that he be transferred from the custody of the Bureau of Jail Management and Penology (BJMP) to the NCMH. The RTC granted the accused-appellant's motion in its Order dated August 7, 2006.<sup>7</sup>

Acting on the information that the accused-appellant has improved and competent to undergo trial, the RTC issued an Order dated November 30, 2006 restoring custody over the accused-appellant to the BJMP.<sup>8</sup>

Upon arraignment on February 19, 2007, the accused-appellant pleaded "not guilty" to the crime charged. Trial on the merits ensued thereafter.<sup>9</sup>

The evidence for the prosecution consists of the testimony of Myra Aliling (Myra), the victim's sister; Julian Bathan (Chairman Bathan), Barangay Chairman of Lemery, Batangas; Dr. Roque; and Dr. Wency Vergara, Municipal Health Officer of Lemery, Batangas.<sup>10</sup>

The testimonies of the prosecution witnesses tend to establish early morning of June 15, 2005, Myra was on her way home when she saw the accused-appellant suddenly attack her younger sister, Liezl Barredo (Liezl), by hitting the latter twice on the neck causing her to fall on the ground. Myra then quickly rushed to aid Liezl, boarded her inside a tricycle and

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<sup>5</sup> Id.

<sup>6</sup> Id. at 77-78 and 119.

<sup>7</sup> Id. at 78 and 119.

<sup>8</sup> Id. at 120.

<sup>9</sup> Id.

<sup>10</sup> Id. at 78.

brought her to the hospital. However, Liezl was pronounced dead on arrival.<sup>11</sup>

Immediately after the incident, the accused-appellant went to the house of Chairman Bathan and confessed to having committed the crime, by saying "*Kapitan, nataga ko ang anak ni Ate Susing.*"<sup>12</sup> The accused-appellant was then accompanied by Chairman Bathan to the police station to surrender.<sup>13</sup>

A post-mortem examination was then conducted on the body of Liezl, which revealed that she died due to three hack wounds she sustained which were located in her face, cervical area, and thorax.<sup>14</sup>

The defense, for its part, interposed an insanity plea and presented as witnesses the accused-appellant's mother, Aurea, and Dr. Martin.<sup>15</sup>

Aurea narrated that the accused-appellant worked in Taiwan since 1993 and returned sometime in 1996. It was after the accused-appellant returned to the Philippines, that Aurea noticed his son to be under a state of shock as he would often catch him murmuring to himself while staring at the ceiling. The accused-appellant also often looked frightened and out of his mind. The accused-appellant told her that he was tortured in Taiwan. With this, Aurea brought the accused-appellant to a physician who then diagnosed the latter to be suffering from mental illness. The accused-appellant then underwent treatment and his condition improved. Nonetheless, the accused-appellant was forced to stop treatment sometime in 2000 as they could no longer afford the same. Thus, the accused-appellant returned back to his delusional state.<sup>16</sup>

The testimony of Aurea was corroborated by Dr. Martin. Dr. Martin then testified that, on the basis of the psychiatric evaluation conducted on the accused-appellant after the incident, he is indeed suffering from a type of psychosis known as "schizophrenia paranoid type."<sup>17</sup> This means that the accused-appellant is not in touch with reality. According to Dr. Martin, the illness is manifested by the accused-appellant's aggressive attitude, inability to sleep, restlessness, delusional persecution, and auditory hallucination.<sup>18</sup>

On June 4, 2015, the RTC of Lemery, Batangas, Branch 5, rendered its Decision,<sup>19</sup> finding the accused-appellant guilty of the crime of murder, viz.:

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<sup>11</sup> Id. at 120.

<sup>12</sup> Id. at 78.

<sup>13</sup> Id.

<sup>14</sup> Id. at 120.

<sup>15</sup> Id. at 121.

<sup>16</sup> Id. at 78-79 and 121.

<sup>17</sup> Id. at 79 and 121.

<sup>18</sup> Id.

<sup>19</sup> Rendered by Presiding Judge Eleuterio Larisma Bathan; id. at 77-83.

WHEREFORE, premises considered, [the accused-appellant] is hereby found guilty beyond reasonable doubt of the crime of murder and is hereby sentenced to suffer the penalty of *reclusion perpetua* without eligibility of parole and is hereby ordered to pay the heirs of [Liezl] the amount of Seventy[-]Five Thousand Pesos (P75,000.00) as civil indemnity with an interest of 6% per annum from the time of finality of this judgment.

**SO ORDERED.**<sup>20</sup> (Emphasis in the original)

The case was elevated to the CA, which rendered the herein assailed Decision<sup>21</sup> on December 22, 2017, affirming the accused-appellant's guilt as follows:

**ACCORDINGLY**, the appeal is **DENIED**. The Decision dated June 4, 2015 of the [RTC], Branch 5 of Lemery, Batangas in Criminal Case No. 90-2005 is **AFFIRMED with the following MODIFICATIONS**: accused-appellant is sentenced to suffer the penalty of imprisonment of *reclusion perpetua*. He is further ordered to pay the heirs of the victim, [Liezl], the amounts of Php75,000[.00] as civil indemnity, Php75,000[.00] as moral damages, and Php75,000[.00] as exemplary damages, all with interest at the rate of 6% *per annum* from the date of finality of this Decision until fully paid.

**SO ORDERED.**<sup>22</sup> (Emphases in the original)

Thus, this appeal.

### **Ruling of the Court**

The appeal is **not** meritorious.

In the case at bar, the accused-appellant admits authorship of the crime charged. Nonetheless, he claims that he is exempted from criminal liability on account of insanity, as provided for under Article 12, paragraph 1 of the Revised Penal Code (RPC):

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.

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

<sup>20</sup> Id. at 82-83.

<sup>21</sup> Id. at 118-130.

<sup>22</sup> Id. at 129.

In this jurisdiction, it is settled that in order to successfully claim insanity as an exempting circumstance, the accused in committing the act, must be completely deprived of intelligence or reason. The accused in performing the criminal act must have acted without discernment because there is a complete absence of the power to discern, or a total deprivation of the will.<sup>23</sup> Mere abnormality of mental faculties does not exclude imputability.<sup>24</sup> In interposing the defense of insanity, the accused bears a heavy burden as it is in deviation to the norm that every person, even those previously confined in a mental institution but subsequently released, is presumed to be sane.<sup>25</sup>

A plea of insanity, is in the nature of confession, thus, the accused is tried on the issue of insanity alone. In which case, the accused bears the burden to adduce clear and convincing evidence attesting to his mental condition *immediately preceding or simultaneous* with the commission of the offense charged.<sup>26</sup>

The state of a person's mind is not discernible by ordinary proof. No one can absolutely know what is going on in the mind of another. However, the condition of a person's mind during a particular point may be deduced from his behavior at or about the time in question as attested to by a witness that is sufficiently acquainted with the accused or by an expert witness such as a psychiatrist.<sup>27</sup>

In the case at bar, the accused-appellant, in support of his defense, presented the testimonies of his mother Aurea and that of the psychiatrist, Dr. Martin. Tested against the quantum of evidence required, the Court finds that the CA and the RTC committed no error in affirming the guilt of the accused-appellant. The accused-appellant failed to prove by clear and ponderance of evidence that he was insane, and that he acted without the least discernment when he killed the victim.

Aurea testified as to the accused-appellant's behavior after he has arrived from Taiwan in 1996 until sometime in 2000 when the treatment stopped. While she also narrated that after the accused-appellant stop treatment, he was constantly in a delusional state, the same does not rule out that the accused-appellant could have been in a lucid interval at the time he killed the victim; particularly as there was no allegation of the accused-appellant's particular condition immediately prior to the time he stabbed and killed the victim. All the more, the testimony of Aurea that the accused-appellant was in a persistent and continuous delusional state after he

<sup>23</sup> *People v. Madarang*, 387 Phil. 846, 859 (2000).

<sup>24</sup> *People v. Bañez*, 361 Phil. 198, 208-209 (1999).

<sup>25</sup> *People v. Mejaro*, 807 Phil. 1003, 1015 (2017).

<sup>26</sup> *Id.* at 1014.

<sup>27</sup> *Id.* at 1012.

stopped treatment and up until the crime occurred was unsupported by the testimony and the evidence on record.

Noteworthy, the medical evaluation and expert testimony presented in evidence refer solely to the accused-appellant's mental state and fitness to undergo trial. Likewise, the testimony and evaluation of Dr. Martin cannot be taken into consideration in determining the accused-appellant's state of mind at the time the crime was committed in June 2005, as he was examined and diagnosed more than six months after the date in question. Likewise, per records, it cannot even be remotely concluded that the accused-appellant was insane at the time he committed the crime. The accused-appellant has been clinically diagnosed to be insane, twice - the first one sometime in 1996 after he returned from Taiwan and the other one in February 2006. Absent any other evidence, the intervening period between these two diagnosis is too significant for the Court to convincingly draw an inference that the accused-appellant was mentally insane during the entire period starting from the time he stopped treatment in 2000 until the commission of the crime in 2005.

Finally, even assuming that the accused-appellant was still suffering from mental illness at the time he committed the crime, the same does not automatically exempt him from criminal liability. In previous cases, the Court rejected the defense of schizophrenia as an exempting circumstance, affirming that not all persons afflicted by the disease is *completely* deprived of intelligence or discernment.<sup>28</sup> In these cases, the Court refused to absolve the accused from criminal liability finding that schizophrenia merely deprives a person of self-control but at the same time does not completely remove the accused's awareness of the crime of what he is about to commit. Consequently, mere diagnosis that the accused is suffering from schizophrenia is not sufficient to exempt him from criminal liability, evidence must be adduced that there is complete destruction of intelligence at the time of the commission of the crime charged.<sup>29</sup>

As aptly pointed out by the RTC, the accused-appellant's admission immediately after he committed the crime is a clear manifestation that he was of sound mind at the time he killed Liezl, viz.:

In this case, there was no evidence of the behavior of the [accused-appellant] immediately prior to the incident. But, there was evidence of his behavior right after the perpetration of the crime. As reflected by the records, [Chairman Bathan], the former barangay captain of Barangay Maigsing Dahilig, Lemery, Batangas testified that the [accused-appellant] came to him on the early morning of that unfortunate day and the [accused-appellant] uttered- "*Kapitan, nataga ko ang anak ni Ate Susing*". This is a clear manifestation

<sup>28</sup> *People v. Rafanan, Jr.*, 281 Phil. 66, 79-80 (1991), citing *People v. Aldemita*, 229 Phil. 448, 457 (1986); *People v. Puno*, 192 Phil. 430, 441 (1981); and *People v. Fausto y Tomas*, 113 Phil. 841 (1961).

<sup>29</sup> *People v. Rafanan, Jr.*, id. at 78-79.

that the incident happened when the [accused-appellant] is of sound mind. The [accused-appellant] could and would not have come to the barangay captain, a person in authority in a small village where people go to in times of need or trouble, if the [accused-appellant] cannot determine right from wrong. If the [accused-appellant] was not in his proper mind, he could have gone to any place or person. But, in this case, the [accused-appellant] went to the barangay captain and acknowledge his guilt. As intimated above, there must be complete deprivation of intelligence to be exempted from any liability. The facts of this case reveal that the [accused-appellant] was not completely deprived of intelligence. **He was able to discern what he did to the victim was wrong, hence his submission to the barangay captain.**<sup>30</sup> (Emphasis ours)

In the same vein that the defense failed to prove that the accused-appellant was suffering from schizophrenia or any mental illness at the time immediately preceding, or at the very moment of, the commission of the crime that could diminish his will-power, no mitigating circumstance can be appreciated in favor of the accused.<sup>31</sup>

Both the RTC and the CA correctly appreciated the aggravating circumstance of treachery finding that Liezl, a girl of tender age of 11, was rendered defenseless by hitting her on the neck and keeping her on the ground before the accused-appellant hit the fatal blows.<sup>32</sup> In view of this, the killing of Liezl by the accused-appellant is qualified to Murder under Article 248 of the RPC and punishable by the penalty of *reclusion perpetua* to death. The attendance of the mitigating circumstance of voluntary surrender, the circumstances supporting which are undisputed, justifies the imposition of the penalty of *reclusion perpetua*.

While the Court affirms the penalty, a modification as to the award of damages is imperative. Pursuant to the Court's ruling in *People v. Jugueta*,<sup>33</sup> where the crime resulted in the death of the victim, in the absence of documentary evidence of burial or funeral expenses, temperate damages in the amount of ₱50,000.00 shall be awarded.

**WHEREFORE**, in consideration of the foregoing disquisitions, the appeal is **DISMISSED**. The Decision dated December 22, 2017 of the Court of Appeals in CA-G.R. CR HC No. 07667 finding accused-appellant Godwin Bathán y Barredo **GUILTY** beyond reasonable doubt of the crime of Murder, thereby sentencing him to suffer the penalty of *reclusion perpetua* and ordering him to pay the heirs of the victim, Liezl Barredo, civil indemnity, moral damages, and exemplary damages pegged at ₱75,000.00 each, is hereby **AFFIRMED with MODIFICATION** in that, in addition, accused-appellant is likewise ordered to pay the amount of ₱50,000.00 as

<sup>30</sup> CA rollo, pp. 81-82.

<sup>31</sup> *People v. Bañez*, 361 Phil. 198, 215 (1999).

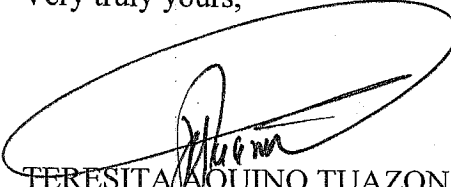
<sup>32</sup> CA rollo, p. 127.

<sup>33</sup> 783 Phil. 806 (2016).

temperate damages. All damages shall earn interest at the rate of six percent (6%) *per annum* from the date of the finality of this Resolution until fully paid.

**SO ORDERED.”** (Hernando and Inting, JJ., no part, as they penned and concurred in, respectively, the assailed Court of Appeals decision; Carandang and Javier, JJ., designated additional Members per Raffle dated June 26, 2019; Zalameda, J., designated additional Member per Special Order No. 2727 dated October 25, 2019.)

Very truly yours,



TERESITA AQUINO TUAZON

Deputy Division Clerk of Court *with rps*

26 DEC 2019

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Accused-Appellant  
c/o The Director  
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THE DIRECTOR (reg)  
Bureau of Corrections  
1770 Muntinlupa City

HON. PRESIDING JUDGE (reg)  
Regional Trial Court, Branch 5  
Lemery, Batangas  
(Crim. Case No. 90-2005)

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\*With copy of CA Decision dated 22 December 2017  
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