



SUPREME COURT OF THE PHILIPPINES
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Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

OLIGARIO TURALBA y G.R. No. 216453
VILLEGAS,

Petitioner, Present:

- versus -

PEOPLE OF THE
PHILIPPINES,
Respondent.

LEONEN, J., *Chairperson,*
LAZARO-JAVIER,
LOPEZ, M.,
LOPEZ, J., and
KHO, JR., *JJ.*

Promulgated:

March 16, 2022

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D E C I S I O N

M. LOPEZ, J.:

The Court resolves the petition for review on *certiorari*¹ assailing the August 28, 2014 Decision² and December 10, 2014 Resolution³ of the Court of Appeals (CA) in CA-G.R. CR No. 35556, which affirmed petitioner Oligario Turalba y Villegas' (Oligario) conviction for Carnapping, defined and penalized under Republic Act (RA) No. 6539,⁴ as amended.

Oligario was charged with Carnapping under the following Information:

¹ *Rollo*, pp. 3-A-12.

² *Id.* at 20-28. Penned by Associate Justice Danton Q. Bueser, with the concurrence of Associate Justices Remedios A. Salazar-Fernando and Ramon R. Garcia.

³ *Id.* at 17-18.

⁴ Entitled "AN ACT PREVENTING AND PENALIZING CARNAPPING" (August 26, 1972).

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That on or about the twentieth (20th) day of November 2007, in the City of Olongapo, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with intent of gain and without the knowledge and consent of Gregorio Calimag [Gregorio], did then and there willfully, unlawfully and feloniously carnap, take, steal, and carry away one (1) 1996 model CRV Honda Wagon with Plate No. RFC-269, belonging to [Gregorio], to the damage and prejudice of the latter. However, said CRV Honda Wagon was recovered.

CONTRARY TO LAW.⁵

When arraigned, Oligario pleaded “not guilty.” Trial on the merits then ensued.⁶

The facts for the prosecution, as synthesized by the Office of the Solicitor General (OSG) in their brief filed with the CA, are as follows:

On November 20, 2007 at around 3:45 in the afternoon, [Gregorio] was driving his Honda CRV with Plate No. RFC-269 from Kalaklan, Olongapo City and headed to Mulawain Bakery Shop at 18th Street corner Caron Street, West Bajac-Bajac, Olongapo City, to buy some bread. Upon arriving at 18th Street, he parked his car ten (10) meters away across Mulawain Bakery but he left the car key inside the vehicle. After about two minutes and while he was about to get hold of the bread he bought, he turned around to check on his car but he noticed that his car was already moving towards Peping Mami along Caron Street. He immediately flagged down and boarded a tricy[c]le to pursue his car. In the course of the pursuit, Gregorio continuously shouted, “*Carnaper yan harangin ninyo yan sasakyan, akin yan, carnaper yan harangin ninyo yan sasakyan, akin iyan!*” until the car was caught on a traffic congestion along Brill Street corner 20th Street, West Bajac Bajac, Olongapo City. Thereat, Gregorio immediately rushed inside his car and got hold of [Oligario] for the latter not to be able to escape. He also instructed the tricycle drive to immediately call the police.

It was around 3:50 x x x in the afternoon of November 20, 2007 when PO2 George Esmillarin of PNP Station 1, Olongapo City, received a call from a concerned citizen informing their office that a carnapped vehicle was being chased along Brill Street going to the direction of the Old Public Market. Upon receiving said call, PO2 Reychar V. Valencia, together with SPO4 Danilo Cañutal, on board their service mobile, immediately proceeded to the area to verify the report. Upon passing by Brill Street corner 20th Street, concerned citizens flagged them down and pointed to the carnapped vehicle. When they proceeded to the car, they saw [Oligario] being cornered by Gregorio. Upon seeing the police officers, Gregorio turned over [Oligario] to them. SPO4 Cañutal informed [Oligario] of his constitutional rights. Thereafter, PO2 Valencia conducted a body search on [Oligario] where a butterfly knife of about seven inches in length was recovered from him. They then brought [Oligario] and Gregorio to the police station for further investigation.⁷

⁵ *Rollo*, pp. 21.

⁶ *Id.*

⁷ *Id.* at 53–54.

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In defense, Dr. Ma. Lourdes Labarcon Evangelista (Dr. Evangelista) testified and narrated that she first met Oligario on October 24, 2007 at the Mariveles Mental Hospital for evaluation and management of his mental condition. After tests, Dr. Evangelista assessed Oligario with psychosis (“*nawawala sa sarili*”) due to use of alcohol and methamphetamine. She prescribed medication and scheduled a follow-up checkup, but Oligario was not able to come back as he was already detained for the carnapping incident.⁸

In its Decision⁹ dated December 6, 2012, the Regional Trial Court, Branch 75, Olongapo City (RTC), convicted Oligario of Carnapping, thus:

WHEREFORE, premises considered, the court finds *OLIGARIO TURALBA y VILLEGAS* guilty beyond reasonable doubt of Carnapping defined and penalized under [RA No.] 6539[,] as amended[,] and hereby sentences him to suffer an indeterminate penalty of imprisonment ranging from fourteen (14) years and eight (8) months, as minimum, to seventeen (17) years and four (4) months, as maximum, and to pay the cost.

SO ORDERED.¹⁰

The RTC ruled that all the elements of the crime are present. It is clear that Oligario surreptitiously took and drove off Gregorio’s vehicle without consent and with intent to gain. The RTC gave credence to the testimonies of the prosecution witness there being no ill motive for them to falsely charge Oligario. On the other hand, the RTC rejected Oligario’s insanity defense considering that the manner by which he perpetrated the offense suggests full consciousness of his criminal act. Dr. Evangelista’s medical assessment was rendered inconclusive and insufficient proof of the mental condition of Oligario.¹¹

On appeal, the CA affirmed the conviction,¹² and confirmed that Oligario’s psychosis cannot exculpate him from criminal liability. Prior to the commission of the crime, Dr. Evangelista only met with Oligario once and was not yet able to identify the kind of psychosis he was afflicted with.¹³ Oligario then filed a motion for reconsideration,¹⁴ which was denied by the CA in its Resolution¹⁵ dated December 10, 2014; hence, this petition.

⁸ Id. at 30.

⁹ Id. at 29–33. Penned by Judge Raymond C. Viray.

¹⁰ Id. at 33.

¹¹ Id. at 31–32.

¹² Id. at 20–28. The dispositive portion of the August 28, 2014 Decision reads:

WHEREFORE, the appeal is **DENIED** and the Decision dated December 6, 2012 of the Regional Trial Court, Branch 75, Olongapo City is hereby **AFFIRMED**.

SO ORDERED. (Emphasis in the original)

¹³ Id. at 25–26.

¹⁴ Dated September 25, 2014. Id. at 62–66.

¹⁵ Id. at 17–18. Oligario’s motion for reconsideration was disposed of as follows:

This Court, after a meticulous study of the arguments set forth in the Motion for Reconsideration filed by herein accused-appellant, finds no cogent reason to revise, amend, much less reverse, the Decision promulgated on August 28, 2014. The Motion for Reconsideration is thus **DENIED**.

SO ORDERED. (Emphasis in the original)

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Oligario maintained that he was suffering from psychosis, negating his voluntariness and free will, at the time of the commission of the crime.¹⁶ Dr. Evangelista sufficiently attested to his illness, and mentioned in the Clinical Summary that his “condition could lead to unusual behavior, faulty judgment, irrational thoughts, impulsive acts and break from reality.”¹⁷ Invoking the Court’s ruling in *People v. Rafanan, Jr.*¹⁸ (*Rafanan*) and *People v. Antonio, Jr.*¹⁹ (*Antonio*), Oligario argues that even if his insanity cannot completely absolve him of criminal liability, it can at least be considered as a mitigating circumstance.²⁰

In the Comment²¹ filed by the OSG for the People, it was alleged that the issue of insanity is a factual one, which is beyond the ambit of a petition for review on *certiorari* filed under Rule 45 of the Rules of Court. Oligario was not able to prove his insanity prior to or simultaneously with the commission of the crime. The exempting circumstance of insanity is not easily available to an accused as insanity is the exception rather than the rule in the human condition. Anyone who pleads insanity bears the burden to prove it with clear and convincing evidence since the accused invoking the affirmative defense admits to have committed the crime, but claims that he or she is not guilty because of insanity. Oligario utterly failed to present convincing evidence to establish his alleged insanity at the time of the carnapping incident. His conviction must stand, and the penalty cannot be reduced in relation to the alleged presence of a mitigating circumstance because the rules on penalties in the Revised Penal Code (RPC) do not apply to the law on carnapping.²²

In Oligario’s Reply,²³ he reiterated the allegations in his petition, and implored this Court to exercise its discretionary power, in the higher interest of justice, to review the assailed ruling of the CA.²⁴

We find no merit in the petition.

The RTC and the CA both found that all the elements of Carnapping are present in this case with Oligario as the perpetrator. He did not present evidence to rebut the lower courts’ findings. Oligario, however, raised the defense of insanity in claiming that he should not be found criminally liable.

Insanity is an exempting circumstance under paragraph 1,²⁵ Article 12 of the RPC. An insane accused is not morally blameworthy and should not be

¹⁶ Id. at 8.

¹⁷ Id. at 9.

¹⁸ 281 Phil. 66 (1991).

¹⁹ 441 Phil. 425 (2002).

²⁰ See *rollo*, pp. 9–11.

²¹ Id. at 80–94.

²² Id. at 86–92.

²³ Id. at 100–104.

²⁴ See *id.* at 100–102.

²⁵ Article 12. *Circumstances which exempt from criminal liability.* – The following are exempt from criminal liability:

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legally punished. No purpose of criminal law is served by punishing an insane accused because by reason of their mental state, they do not have control over their behavior and cannot be deterred from similar behavior in the future. In our jurisdiction, the courts have established a more stringent criterion for insanity to be exempting as it is required that there must be a complete deprivation of intelligence in committing the act, *i.e.*, the accused is deprived of reason, they acted without the least discernment because there is a complete absence of the power to discern, or that there is a total deprivation of the will. Mere abnormality of the mental faculties will not exclude imputability.²⁶

As a defense, insanity is in the nature of a confession and avoidance.²⁷ The person who asserts insanity is, in effect, admitting to the commission of the crime. Consequently, the burden of proof shifts to him, who must prove his defense with clear and convincing evidence.²⁸ Differently stated, after a plea of insanity, “the accused is tried on the issue of sanity alone, and if found to be sane, a judgment of conviction is rendered without any trial on the issue of guilt, because the accused had already admitted committing the crime.”²⁹

Insanity is not easily available to the accused as a successful defense. It is an exception rather than the rule on the human condition. Insanity as a condition of the mind, is not susceptible of the usual means of proof as “no man can know what is going on in the mind of another, the state of condition of a person’s mind can only be measured and judged by [their] behavior.”³⁰ Thus, the accused must prove the following: *first*, that the insanity constitutes a complete deprivation of intelligence, reason, or discernment; and *second*, the insanity existed at the time of, or immediately preceding, the commission of the crime.³¹

To establish insanity, opinion testimony is required which may be given by a witness who is intimately acquainted with the accused, has rational basis to conclude that the accused was insane based on his own perception, or is qualified as an expert, such as a psychiatrist.³² We stress that an inquiry into the mental state of an accused should relate to the period immediately before or at the very moment the felony is committed.³³

In this case, Oligario failed to establish his mental state, much less his insanity. Aside from the testimony of Dr. Evangelista, no other witness

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

x x x x

²⁶ *People v. Roa*, 807 Phil. 1003, 1011–1012 (2017), citing *People v. Madarang*, 387 Phil. 846, 856 and 859 (2000).

²⁷ *People v. Salvador, Sr.*, 834 Phil. 632, 645 (2018); and *People v. Roa*, *id.* at 1012.

²⁸ *People v. Salvador, Sr.*, *id.* at 646. See also the Court’s Resolution in *People v. Lota*, G.R. No. 219580, January 24, 2018.

²⁹ *People v. Roa*, 807 Phil. 1003, 1012–1013 (2017).

³⁰ *Id.* at 1012, citing *People v. Madarang*, 387 Phil. 846, 859 (2000). See also *People v. Salvador, Sr.*, 834 Phil. 632, 645 (2018).

³¹ *People v. Salvador, Sr.*, *id.* at 646.

³² *Verdadero v. People*, 782 Phil. 168, 179 (2016), citing *People v. Opuran*, 469 Phil. 698, 713 (2004).

³³ *People v. Salvador, Sr.*, 834 Phil. 632, 648 (2018).

testified as to the mental condition of Oligario. On this matter, the CA aptly observed:

In the case at bar, no witness was presented by [Oligario] to show that he exhibited any [myriad of] symptoms associated with psychosis immediately before or simultaneous with the carjacking incident. The record is bereft of even a single account of abnormal or bizarre behavior on the part of [Oligario] prior to November 20, 2007. Although Dr. Evangelista opined that [Oligario] is suffering from psychosis, she declared that **it is difficult to assess the exact mental condition of [Oligario], having seen the latter only once, and she could not even identify the kind of psychosis [Oligario] is afflicted with.**

x x x x

Likewise, no evidence was presented to show proof of abnormal behavior immediately before or simultaneous to the commission of the crime. x x x

While it can be true that there was some impairment of [Oligario's] mental faculties, since he was said to suffer from psychosis, We hold that such impairment was not so complete as to deprive him of his intelligence or the consciousness of his acts.

All told, we find the evidence adduced by [Oligario] insufficient to establish his claim of insanity at the time he took the Honda CRV of [Gregorio]. A judgment of conviction must, perforce, be rendered since [Oligario] had already admitted committing the crime.³⁴ (Emphasis supplied)

Nonetheless, Oligario, citing *Rafanan* and *Antonio*, argues that even if his insanity cannot completely absolve him of criminal liability, it can at least be considered as a mitigating circumstance under paragraph 9,³⁵ Article 13 of the RPC.

In *Antonio*, the accused's insanity defense was not considered to exempt him from criminal liability. The Court held that while there was some impairment of the accused's mental faculties since he was shown to suffer from schizo-affective disorder or psychosis, such impairment was not so complete as to deprive him of his intelligence or the consciousness of his acts. The accused's mental ailment was, however, considered as a mitigating circumstance to lower the penalty imposed.³⁶ The Court similarly ruled in *Rafanan* that a mitigating circumstance in accord with Article 13 (9) of the Revised Penal Code may be considered where the accused failed to show complete impairment or loss of intelligence. However, *Rafanan's* insanity defense was rejected by the Court due to the accused's failure to present clear

³⁴ *Rollo*, pp. 25-27.

³⁵ Article 13. *Mitigating circumstances*. – The following are mitigating circumstances:

x x x x

9. Such illness of the offender as would diminish the exercise of the will-power of the offender without however depriving him of consciousness of his acts.

x x x x

³⁶ *People v. Antonio*, 441 Phil. 425, 435 (2002).

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and convincing evidence regarding his state of mind immediately before and during the sexual assault on the victim.³⁷

Moreover, Oligario was charged with violation of RA No. 6539, a special law, which is not governed by the rules of penalties under the RPC. The OSG appropriately invoked the Court *En Banc*'s ruling in *People v. Simon*³⁸ (*Simon*), where it was pronounced that there is no suppletory effect of the rules for the application of penalties under the RPC in special laws that impose different penalties from the RPC. The Court further clarified that, while it is true that the penalty of fourteen (14) years and eight (8) months, as minimum, to seventeen (17) years and four (4) months, as maximum, under RA No. 6539 is virtually equivalent to the duration of the medium period of *Reclusion Temporal*, such technical term under the RPC is not given to the penalty for Carnapping. Moreover, the other penalties for Carnapping attended by the qualifying circumstance stated in the law do not correspond to those in the RPC.³⁹

Under the Indeterminate Sentence Law,⁴⁰ if the offense is punished by a special law, the indeterminate sentence shall be taken from the prescribed penalty – the maximum term of which shall not exceed the maximum fixed by law, and the minimum term shall not be less than the minimum prescribed.⁴¹ Applying the edict of *Simon* and the Indeterminate Sentence Law, the penalty of fourteen (14) years and eight (8) months, as minimum, to seventeen (17) years and four (4) months, as maximum, imposed by the RTC and affirmed by the CA, is correct.

FOR THE STATED REASONS, the petition is **DENIED**. The August 28, 2014 Decision and December 10, 2014 Resolution of the Court of Appeals are **AFFIRMED**. Petitioner Oligario Turalba y Villegas is found guilty beyond reasonable doubt of Carnapping under Republic Act No. 6539, as amended, and is sentenced to an indeterminate penalty of fourteen (14) years and eight (8) months, as minimum, to seventeen (17) years and four (4) months, as maximum.

³⁷ *People v. Rafanan*, 281 Phil. 66, 84–85 (1991).

³⁸ 304 Phil. 725 (1994).

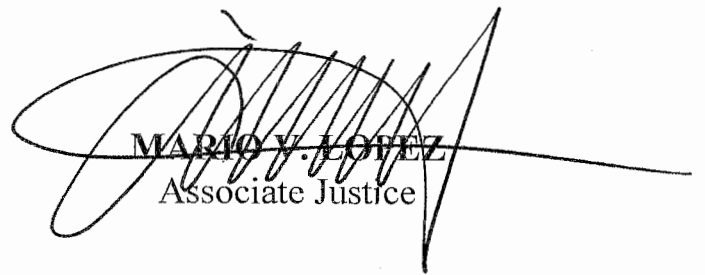
³⁹ See *id.* at 757–758.

⁴⁰ Act No. 4103, entitled “AN ACT TO PROVIDE FOR AN INDETERMINATE SENTENCE AND PAROLE FOR ALL PERSONS CONVICTED OF CERTAIN CRIMES BY THE COURTS OF THE PHILIPPINE ISLANDS; TO CREATE A BOARD OF INDETERMINATE SENTENCE AND TO PROVIDE FUNDS THEREFOR; AND FOR OTHER PURPOSES” (December 5, 1993).

⁴¹ See Section 1 of the Indeterminate Sentence Law, as amended, which provides:

Section 1. Hereafter, in imposing a prison sentence for an offense punished by the Revised Penal Code, or its amendments, the court shall sentence the accused to an indeterminate sentence the maximum term of which shall be that which, in view of the attending circumstances, could be properly imposed under the rules of the said Code, and to a minimum which shall be within the range of the penalty next lower to that prescribed by the Code for the offense; and if the offense is punished by any other law, the court shall sentence the accused to an indeterminate sentence, the maximum term of which shall not exceed the maximum fixed by said law and the minimum shall not be less than the minimum term prescribed by the same. (Emphasis supplied)

SO ORDERED.




MARIO V. LOPEZ
Associate Justice

WE CONCUR:



MARVIC M.V.F. LEONEN
Associate Justice



AMY C. LAZARO-JAVIER
Associate Justice




JHOSEP V. LOPEZ
Associate Justice



ANTONIO T. KHO, JR.
Associate Justice

ATTESTATION

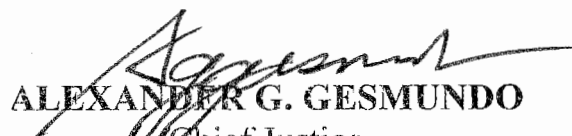
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



MARVIC M.V.F. LEONEN
Associate Justice
Chairperson, Third 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 Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



ALEXANDER G. GESMUNDO
Chief Justice