



Republic of the Philippines
Supreme Court
Baguio City

SECOND DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-appellee,

G.R. No. 267795

-versus-

Present:

JOSE P. RAGUDO, JR.,
Accused-appellant.

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

Promulgated:

APR 15 2024

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DECISION

LOPEZ, J., *J.*:

This Court resolves an appeal¹ filed by Jose P. Ragudo, Jr. (Ragudo), assailing the Decision² of the Court of Appeals (CA) which affirmed the Judgment³ of the Regional Trial Court (RTC) that found him guilty of murder and theft.

¹ Rollo, pp. 3–5.

² *Id.* at 8–25. The September 29, 2022 Decision in CA-G.R. CR-HC No. 13991 was penned by Associate Justice Maximo M. De Leon and concurred in by Associate Justices Manuel M. Barrios and Perpetua Susana T. Atal-Paño of the Eighth Division, Court of Appeals, Manila.

³ *Id.* at 29–53. The December 19, 2019 Judgment in Crim. Case Nos. 5036-18, 5037-18, and 5038-18 was penned by Judge María Corazon M. Labrador of Branch 18, Regional Trial Court, Batac City, Ilocos Norte.

Facts

Nancy A. Cacayorin (Cacayorin) was an employee at the Go Group of Companies, while Ragudo was a gate keeper in the compound where the company office is located.⁴

Ragudo was charged with murder, qualified theft, and alarms and scandals in the respective Informations for Criminal Case Nos. 5036-18, 5037-18, and 5038-18, thus:

[Criminal Case No. 5036-18]

That on or about 4:00 o'clock in the afternoon of March 21, 2014 at Brgy. Pob.1, Currimao, Ilocos Norte, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with intent to kill, and with the qualifying circumstance of treachery and abuse of superior strength, did then and there willfully, unlawfully and feloniously stab several times NANCY CACAYORIN, who was seated in front of her office table, completely unaware of the impending danger upon her person and was defenseless, thereby inflicting upon her multiple stab[] wounds on the different parts of her body that caused her instantaneous death.

CONTRARY TO LAW.⁵

[Criminal Case No. 5037-18]

That on or about 4:00 o'clock in the afternoon of March 21, 2014 at Brgy. Pob.1, Currimao, Ilocos Norte, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, who is an employee of Go Group of Companies, with intent to gain, did then and there willfully, unlawfully and feloniously take, steal and carry away one Baby Armalite Rifle with Serial Number 060420 worth Sixty Five Thousand Pesos (Php 65,000.00) owned by the Go Group of Companies, represented by Mark Anthony Rambaud, without the latter's consent, thereby causing damage and prejudice to the said Go Group of Companies in the afore-mentioned amount of Sixty Five Thousand (Php 65,000.00) Pesos.

CONTRARY TO LAW.⁶

[Criminal Case No. 5038-18]

That on or about 4:00 o'clock in the afternoon of March 21, 2014 at Brgy. Pob.1, Currimao, Ilocos Norte, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully, and feloniously discharge and fire a stolen Baby Armalite Rifle with Serial Number 060420 in a public place calculated to cause alarm or danger to the people who were then inside the compound of the Go Group of Companies.

⁴ See *id.* at 10, 29.

⁵ Records (Criminal Case No. 5036-18), p. 3.

⁶ Records (Criminal Case No. 5037-18), p. 3.

CONTRARY TO LAW.⁷

Arraignment was initially scheduled on April 28, 2014⁸ and later, May 14, 2014.⁹ Ragudo's counsel then filed a Motion for Psychiatric Evaluation,¹⁰ requesting for Ragudo's referral to psychiatric diagnosis and treatment citing the unusual behavior exhibited by Ragudo while in detention,¹¹ which was granted by the RTC.¹² Ragudo was initially referred to the Mariano Marcos Memorial Hospital and Medical Center for an examination of his mental condition and a determination on his fitness to stand trial, but he was eventually referred to the National Center for Mental Health (NCMH) where he was admitted on May 13, 2015.¹³

On October 6, 2015, an initial report on Ragudo's mental condition was issued by the NCMH.¹⁴ They found that Ragudo was suffering from "psychosis classified as Schizophrenia," but nevertheless assessed him as competent to stand trial, thus:

Based on the history, mental status examinations, observations and psychological test[s], the patient was found to be suffering from psychosis classified as Schizophrenia. This mental disorder is characterized by the presence of delusions, hallucinations, disorganized/irrelevant speech, disorganized/bizarre behavior and disturbance in affect. Likewise, the patient's impulse control, frustration tolerance and judgment may be affected. In addition, there is significant impairment in functioning in areas of work, social relations and self-care. This psychiatric disorder runs a chronic course marked by periods of remissions and exacerbations.

At present, the patient is **COMPETENT** to stand the rigors of court trial.¹⁵ (Emphasis in the original)

Ragudo was then discharged back to detention and was arraigned on August 4, 2017, where he pleaded not guilty to all three crimes charged.¹⁶ The three cases were then consolidated for trial.¹⁷ In view of the invocation of the defense of insanity, a reverse trial was conducted.¹⁸

As the physical presence of the physicians at the NCMH could not be secured due to Ragudo's inability to tender travel and accommodation expenses, the NCMH was directed to submit a supplementary report on

⁷ See *rollo*, pp. 30–31.

⁸ Records (Criminal Case No. 5036-18), p. 50.

⁹ *Id.* at 53.

¹⁰ *Id.* at 56–57.

¹¹ *Id.* at 56.

¹² *Id.* at 58.

¹³ *Id.* at 61–69.

¹⁴ *Id.* at 72–74.

¹⁵ *Id.* at 74.

¹⁶ *Id.* at 84; records (Criminal Case No. 5037-18), p. 58.

¹⁷ Records (Criminal Case No. 5036-18), p. 88.

¹⁸ *Id.* at 105.

Ragudo's mental state during the commission of the crime.¹⁹

On February 19, 2018, Ragudo testified that at the time of the incident on March 21, 2014, he was employed as a security guard for the Go Group of Companies.²⁰ He did not remember any unusual incident that transpired on the said day.²¹ He recalled that he was taken into custody by a police officer named Ryan Retotar and that he knew he was taken in due to what he was told that he did.²² However, he claimed to not know what he had done.²³ Likewise, he did not know that Cacayorin died on that day.²⁴

The NCMH issued a report dated February 28, 2018, reiterating its previous finding that Ragudo suffered from "psychosis classified as Schizophrenia," and opining that he was insane at the time of the commission of the offense, thus:

Based on the history, mental status examinations, observations and psychological test[s], the patient was found to be suffering from psychosis classified as Schizophrenia. The nature and characteristics of this mental disorder have been described in the previous report dated October 6, 2015.

At present, the patient is **COMPETENT** to stand the rigors of court trial.

Prior to the offense, the patient was already exhibiting suspiciousness and impaired sleep for several days. He felt his neighbor was going to kill him and his family. He also felt that people were accusing him of illicit substance use. In his previous statements, he recalled that he was hearing commanding auditory hallucinations. He also narrated, "Nakaupo po ako, biglang bumigat and pakiramdam ko, parang may pumasok sa akin" before stabbing the victim with a knife. These symptoms of his mental disorder had caused him to fail to appreciate the nature and quality of his acts or know that his acts were morally and legally wrong at the time of the commission of the crime.

It is therefore our opinion that the patient-accused was insane at the time of the commission of the offenses.²⁵

On March 12, 2018, Ragudo continued to testify.²⁶ He narrated that he could not remember if he was able to finish his shift on March 21, 2014 and he did not know that he stabbed Cacayorin, as he was only told that he did so when he was already at the police precinct.²⁷ He claimed that he could not recall anything at that time because he had an unusual feeling, that his

¹⁹ *Id.* at 112.

²⁰ TSN, Jose P. Ragudo, Jr., February 19, 2018, pp. 3–5.

²¹ *Id.* at 5.

²² *Id.* at 7.

²³ *Id.* at 6.

²⁴ *Id.*

²⁵ Records (Criminal Case No. 5036-18), p. 120.

²⁶ TSN, Jose P. Ragudo, Jr., March 12, 2018, a.m.; TSN, Jose P. Ragudo, Jr., March 12, 2018, p.m.

²⁷ TSN, Jose P. Ragudo, Jr., March 12, 2018, a.m., pp. 6–7.

head was very painful, his body was hot, and his mind was not sound.²⁸

On cross-examination, Ragudo answered that he felt the same unusual feeling he described earlier while he was in detention, and that he did not have the same feeling at any time prior to March 21, 2014.²⁹ He clarified that after eating his lunch on the day of the incident on March 21, 2014, he could not anymore remember what happened until his surrender to the police because he was told that he killed Cacayorin.³⁰

The presentation of Dr. Edison C. Galindez (Dr. Galindez) of the NCMH was dispensed with upon stipulation of the parties regarding the existence of the supplemental report dated February 28, 2018, which was prepared by physicians from the NCMH.³¹

The prosecution then presented its witnesses.

Mark Anthony G. Rambaud (Rambaud), a manager at the Go Group of Companies, testified that he was in charge of the firearms in the compound.³² He narrated that Ragudo stole one M16 rifle from the office which was now in possession of the police officers.³³ He clarified that Ragudo was not authorized to possess the M16 rifle.³⁴ On cross-examination, he clarified that it was him and Cacayorin who had access to the keys of the locker where the firearms were stored and secured by a barrel vault and padlock.³⁵ He added that this locker was forcibly opened.³⁶ On re-direct examination, he clarified that the said firearm was recovered by the police officers near the gate of the compound.³⁷

Chita P. Sacbibit (Sacbibit) identified Ragudo in her Sworn Statement³⁸ and confirmed that she personally saw him fire a gun several times on March 21, 2014.³⁹ Prior to the incident, Sacbibit could not recall any unusual behavior by Ragudo and they even engaged in normal conversation at around 3:00 p.m. of the day in question.⁴⁰

The testimony of Adiel A. Cacayorin, the brother of Cacayorin, was stipulated upon to the effect that the latter's family incurred PHP 60,000.00

²⁸ *Id.* at 7–8.

²⁹ *Id.* at 11.

³⁰ TSN, Jose P. Ragudo, Jr., March 12, 2018, p.m., pp. 3–5.

³¹ Records (Criminal Case No. 5036-18), p. 124.

³² TSN, Mark Anthony G. Rambaud, April 2, 2018, p. 5.

³³ *Id.*

³⁴ *Id.* at 6.

³⁵ *Id.* at 8.

³⁶ *Id.* at 8–9.

³⁷ *Id.* at 12.

³⁸ TSN, Chita P. Sacbibit, April 16, 2018, p. 4.

³⁹ *Id.* at 7.

⁴⁰ *Id.* at 8–9.

in expenses as evidenced by a receipt.⁴¹ The testimonies of Micol S. Sangco and Riza F. Jimenez, who were also employees of the Go Group of Companies, were likewise stipulated upon to the effect that they would testify in accordance with their Sworn Statement that they jointly executed.⁴²

The testimony of Dr. Christina J. Pingao was likewise stipulated upon to the effect that she would testify in relation to the Medico-Legal Report and Death Certificate that she issued.⁴³

Charmaine D. Salvador (Salvador), a clerk working in the same office at that time, testified that at past 1:00 p.m. on March 21, 2014, Rambaud and two other male employees had left, leaving her, Cacayorin, and Marites G. Comamo (Comamo) at the office.⁴⁴ While she was encoding at around past 3:00 p.m., she heard Comamo shout.⁴⁵ When she looked at Cacayorin's direction, she saw Ragudo repeatedly stabbing the latter.⁴⁶ She and Comamo ran out of the office and across the road.⁴⁷ While she was outside, she saw Ragudo closing the gate⁴⁸ before hearing a gunshot.⁴⁹ The police officers arrived at around 5:15 p.m.⁵⁰ When she asked to describe Ragudo, she said that he was good and nice because whenever she saw him, he always greeted her "good morning."⁵¹ On cross-examination, she confirmed that prior to March 21, 2014, she did not witness any unusual behavior from Ragudo.⁵²

The parties then stipulated on the testimony of Police Senior Inspector Amiely Ann L. Navarro (PSI Navarro) to the effect that she administered a paraffin examination on both hands of Ragudo, which yielded a positive result.⁵³

The testimony of Senior Police Officer I Fernando Jara (SPO1 Jara) was also stipulated upon to the effect that he will testify on the Joint Affidavit of Arrest, and on photographs and the M16 rifle bearing the serial number SER060420.⁵⁴

The Joint Affidavit of Arrest, executed by SPO1 Jara and PSI Ryan M. Retotar (PSI Retotar), along with four other police officers, stated that SPO1

⁴¹ TSN, Adiel A. Cacayorin, May 21, 2018, p. 2.

⁴² *Id.* at 2–3.

⁴³ TSN, Dr. Christina J. Pingao, June 4, 2018, p. 4.

⁴⁴ TSN, Charmaine D. Salvador, July 23, 2018, pp. 7–8.

⁴⁵ *Id.* at 9–10.

⁴⁶ *Id.* at 10–12.

⁴⁷ *Id.* at 13.

⁴⁸ *Id.*

⁴⁹ *Id.* at 13–14.

⁵⁰ *Id.* at 14–15.

⁵¹ *Id.* at 5–6.

⁵² *Id.* at 23.

⁵³ *Id.* at 29–30.

⁵⁴ TSN, Fernando Jara, October 8, 2018, pp. 10–11.

Jara was informed that a stabbing had occurred in the compound.⁵⁵ Upon arriving outside of the compound, they heard four gunshots which prompted them to take cover and try to open the gate, which they found out was locked.⁵⁶ The police officers then communicated with Ragudo through cellphone and convinced him to surrender.⁵⁷ PSI Retotar stated that when Ragudo signified his intention to surrender, the former told the latter to leave the firearm inside the compound and come out unarmed.⁵⁸

The testimonies of PSI Navarro, PO3 Joseph Randy Velasco (PO3 Velasco), and PO2 Julius Surell (PO2 Surell) on the custody over the firearm were stipulated upon by the parties to the effect that PSI Navarro was the one who recovered an M16 rifle with serial number SER060420 from the compound. He turned this over to PO3 Velasco for ballistic examination, and then to PO2 Surell for safekeeping.⁵⁹

The testimony of Maria Gina C. Caballero (Caballero), a household helper staying in the compound, was stipulated upon to the effect that she would testify based on her Sworn Statement⁶⁰ and identify the M16 rifle and magazine.⁶¹ Her Sworn Statement stated that at around 4:00 p.m. on March 21, 2014, she was cooking food in the basement of the residence of Rosario Go, which was in the same compound, when she heard a loud sound which she thought was an exploding gas tank.⁶² Then, she heard Ragudo calling out to her.⁶³ When she approached him at the stairs to the basement, she saw that he was holding a large firearm and asked her help on what to do because he stabbed Cacayorin.⁶⁴ She also noticed that Ragudo's hands were bloody.⁶⁵ She stated that while Ragudo was in front of her, she saw him discharge the firearm upward twice.⁶⁶ She tried to calm Ragudo down, but that later she went back to the basement to check on the food she was cooking.⁶⁷ After a few minutes, she heard a commotion upstairs and when she went to check, Ragudo was being handcuffed by the police officers.⁶⁸

The last witness for the prosecution was Comamo, whose testimony was stipulated upon by the parties to the effect that she would testify based on her Sworn Statement⁶⁹ that she executed.⁷⁰ Her Sworn Statement stated that at around 4:00 p.m. on March 21, 2014, she was inside the office of the

⁵⁵ Records (Criminal Case No. 5036-18), p. 5.

⁵⁶ *Id.*

⁵⁷ *Id.* at 6.

⁵⁸ *Id.*

⁵⁹ TSN, Amiely Ann L. Navarro, Joseph Randy Velasco, and Julius Surell, October 8, 2018, p. 4.

⁶⁰ Records (Criminal Case No. 5036-18), pp. 21–25.

⁶¹ TSN, Maria Gina C. Caballero, November 5, 2018, p. 2.

⁶² Records (Criminal Case No. 5036-18), pp. 21–22.

⁶³ *Id.*

⁶⁴ *Id.*

⁶⁵ *Id.* at 22.

⁶⁶ *Id.*

⁶⁷ *Id.* at 22–23.

⁶⁸ *Id.* at 23.

⁶⁹ *Id.* at 13–15, 230–232.

⁷⁰ TSN, Marites G. Comamo, December 10, 2018, p. 2.

Go Group of Companies when she saw a man quickly enter the office and when she turned around, Ragudo was stabbing Cacayorin.⁷¹ While she screamed and ran outside of the office to ask for help, she heard one gunshot.⁷²

In its Judgment,⁷³ the RTC found Ragudo guilty of murder and theft, while it dismissed the case for alarms and scandals for lack of jurisdiction, thus:

WHEREFORE, in Criminal Case No. **5036-18**, accused JOSE P. RAGUDO, JR. is hereby found guilty beyond reasonable doubt of the crime of **MURDER**. In the absence of mitigating and aggravating circumstances, accused is hereby sentenced to suffer the penalty of **RECLUSION PERPETUA**. He is further ordered to pay the heirs of the late Nancy Cacayorin the following sums of money:

- a) SEVENTY-FIVE THOUSAND PESOS (P75,000.00) as civil indemnity,
- b) SEVENTY-FIVE THOUSAND PESOS (P75,000.00) as moral damages,
- c) SEVENTY-FIVE THOUSAND PESOS (P75,000.00) as exemplary damages, and
- d) SIXTY THOUSAND PESOS (P60,000.00) as actual damages.

In addition, interest at the rate of six percent per annum shall be imposed on all monetary awards from the date of the finality of this decision until fully paid.

In Criminal Case No. **5037-18**, accused JOSE P. RAGUDO, JR. is found guilty beyond reasonable doubt of the crime of **THEFT** and is hereby sentenced to suffer a straight penalty of **FOUR (4) MONTHS OF ARRESTO MAYOR**. Considering that the prosecution failed to prove the value of the subject firearm, the private complainant is not entitled to reparation.

On the other hand, Criminal Case No. **5038-18** indicting accused JOSE RAGUDO JR. with **ALARMS AND SCANDALS** is hereby **DISMISSED** for lack of jurisdiction.

Costs against the accused.

SO ORDERED.⁷⁴ (Emphasis in the original)

As to Ragudo's defense of insanity, the RTC ruled that he failed to prove that he was insane at the time of or immediately before the act alleged.⁷⁵ As to Ragudo's claim that he could not recall anything on that day

⁷¹ Records (Criminal Case No. 5036-18), p. 231.

⁷² *Id.*

⁷³ *Rollo*, pp. 29-53.

⁷⁴ *Id.* at 52-53.

⁷⁵ *Id.* at 39.

due to his unsound mind and that he had an unusual feeling that day, the RTC found that he was able to recall several pieces of information, such as when he started to work on that day, the employees that greeted him on their way to the compound, that he resumed his duties after taking his lunch, that he went out of the gate and surrendered to PSI Retotar, and that at the police precinct, he was informed that he had stabbed Cacayorin.⁷⁶ The RTC observed that while Ragudo appears to remember the events prior to and after the time period in question, he supposedly cannot remember the two extraordinary events in between, that is, the stabbing of Cacayorin and the repeated discharge of the firearm.⁷⁷

Further, the RTC concluded that the unusual feelings that Ragudo described, particularly that his painful head, his high body temperature, and his unsound mind, do not show to have completely deprived him of intelligence and free will.⁷⁸ It found that persons who have known Ragudo for a considerable amount of time and had the opportunity to observe his behavior, such as Sacbibit and Salvador, testified that he was acting normally and was performing his usual tasks at that time.⁷⁹

Likewise, Ragudo was not shown to have manifested any of the symptoms of schizophrenia described in the reports issued by the NCMH immediately prior to or on the day of the incident.⁸⁰ Also, the RTC concluded that his acts of closing the gate was done to protect himself from arrest and the manner of discharging the firearm upward instead of indiscriminately was made to avoid hurting others, are actions not of an insane person, but of a person in full control of their mental faculties.⁸¹ The fact that he was able to recognize PSI Retotar as the police officer who was at the gate of the compound also showed that he was capable of cognition at that time.⁸²

As to the reports submitted by the physicians of the NCMH opining that Ragudo suffers from psychosis classified as schizophrenia, the RTC noted that his first examination was conducted on May 13, 2015, or one year and two months from the commission of the crime on March 14, 2014, while the last examination was conducted on February 18, 2016, or two years after.⁸³ Thus, the reports were deemed inconsequential to determine whether Ragudo was insane immediately prior to or during the commission of the offense.⁸⁴

⁷⁶ *Id.*

⁷⁷ *Id.*

⁷⁸ *Id.* at 40.

⁷⁹ *Id.* at 40-42.

⁸⁰ *Id.* at 42.

⁸¹ *Id.* at 42-43.

⁸² *Id.* at 43.

⁸³ *Id.*

⁸⁴ *Id.* at 43-44.

In qualifying the killing to murder, the RTC found that treachery was present.⁸⁵ It concluded that Ragudo's attack on Cacayorin was treacherous because it was done swiftly and without warning, with the unsuspecting Cacayorin not even able to speak a single word.⁸⁶ It found that even if it was established that Ragudo was facing Cacayorin, she was sitting down and working at the time of attack and as such, had no opportunity to defend herself or retaliate.⁸⁷ The RTC also found that in view of his knowledge that at that time of the day the employees were busy with their tasks, and knowledge of who were the persons left inside the office, he took advantage of the absence of male persons in the office to ensure the accomplishment of the crime without any risk to himself.⁸⁸

The RTC also noted that there was abuse of superior strength in this case as Ragudo was an armed man attacking an unarmed woman. However, since the circumstance of abuse of superior strength absorbs treachery, the latter should not be appreciated as a separate circumstance.⁸⁹

Thus, finding no aggravating or mitigating circumstances attending the crime, the RTC imposed the penalty of *reclusion perpetua*.⁹⁰

The RTC also found Ragudo guilty beyond reasonable doubt for theft. It concluded that the element of intent to gain was proven as Ragudo used the firearm he took from the Go Group of Companies without its consent.⁹¹ It also noted that the use of force is irrelevant as it was not alleged in the Information.⁹² However, the RTC found that Ragudo can only be convicted of theft and not qualified theft, because the prosecution failed to allege and prove grave abuse of confidence.⁹³ The mere allegation that Ragudo is an employee of the Go Group of Companies does not by itself establish that confidence was reposed on the employee.⁹⁴

As to the penalty imposed for theft, the RTC ruled that since there was no evidence to substantiate the value of the firearm taken, and that its value cannot be taken judicial notice of, then the minimum penalty under Article 309 of the Revised Penal Code, as amended, shall be applied.⁹⁵

Ragudo appealed his conviction to the CA.⁹⁶

⁸⁵ *Id.* at 45–46.

⁸⁶ *Id.*

⁸⁷ *Id.* at 46.

⁸⁸ *Id.*

⁸⁹ *Id.* at 46–47.

⁹⁰ *Id.* at 47.

⁹¹ *Id.* at 48–49.

⁹² *Id.* at 49–50.

⁹³ *Id.* at 50.

⁹⁴ *Id.*

⁹⁵ *Id.* at 51–52.

⁹⁶ CA *rollo*, pp. 17–18.

He argued that the testimonies of the prosecution witnesses were contrary to ordinary human behavior.⁹⁷ As to the testimony on the theft of the firearm, he argued that it is incredulous that he was alleged to have stolen the firearm when it was not recovered from him but in the compound by a police officer.⁹⁸ As to the testimonies of the witnesses that saw him holding and firing the firearm, he argued that it was more believable that they would stay away and hide after hearing the sounds of gunfire.⁹⁹

He further argued that the qualifying circumstance of treachery should not be appreciated, as there was no evidence to show that he consciously adopted such means of attack to secure an advantage.¹⁰⁰ He posited that his position relative to Cacayorin was merely incidental and not deliberately sought.¹⁰¹

Likewise, he contended that the circumstance of abuse of superior strength was not present, as the prosecution was not able to present evidence on the relative disparity in age, size, strength, or force between him and Cacayorin other than the allegation that she was unarmed.¹⁰² He argued that such circumstance cannot merely be inferred from the sex of the victim.¹⁰³ Also, he contended that such conditions were not deliberately sought as to place him in a position of greater force.¹⁰⁴

As to the defense of insanity, he asserted that such finds support in the supplemental report dated February 28, 2018 issued by the NCMH.¹⁰⁵ He contended that although Dr. Galindez of the NCMH was not presented as a witness due to Ragudo's financial incapacity, the said report is a public document and as such, can support a finding that he was insane at the time of the act alleged.¹⁰⁶

In its Decision,¹⁰⁷ the CA denied Ragudo's appeal for lack of merit, thus:

WHEREFORE, premises considered, the Appeal is **DENIED**. The Judgment dated December 19, 2019 rendered by the Regional Trial Court, Branch 18, Batac City, Ilocos Norte in Criminal Cases Nos. 5036-18 and 5037-18 is **AFFIRMED IN TOTO**.¹⁰⁸ (Emphasis in the original)

⁹⁷ *Id.* at 39-40.

⁹⁸ *Id.* at 40.

⁹⁹ *Id.*

¹⁰⁰ *Id.* at 41-42.

¹⁰¹ *Id.* at 42.

¹⁰² *Id.* at 43.

¹⁰³ *Id.*

¹⁰⁴ *Id.*

¹⁰⁵ *Id.* at 47.

¹⁰⁶ *Id.* at 48-49.

¹⁰⁷ *Rollo*, pp. 8-25.

¹⁰⁸ *Id.* at 24.

In so ruling, the CA concluded that while the reports issued by the NCMH are public documents, there was no showing that Ragudo was completely deprived of intelligence and free will at the time of the act alleged.¹⁰⁹ It also stressed that the opinion was based mainly on Ragudo's own narrations, instead of observations of his behavior immediately before or during the time of the alleged offense.¹¹⁰

More, Ragudo's own narration of the events of the day in question was not indicative of a person of unsound mind as he clearly recalled details such as the time he went to work and where he was stationed, where he had lunch, where he resumed his duties after eating lunch, that he went out of the gate of the compound and was arrested by police officers, and that he was informed that he stabbed Cacayorin.¹¹¹ Thus, the CA concluded that he was well aware of the circumstances leading to the act alleged, negating the contention that he was completely deprived of intelligence at that time.¹¹²

The CA also found no reason to depart from the RTC's finding of treachery, as Ragudo's attack on Cacayorin who was working at time was so sudden that she was not even able to say a single word.¹¹³ The CA also affirmed the observation that Ragudo deliberately took the opportunity of killing Cacayorin when the male employees were not in the office, as he was the gate keeper who knew which of the employees had left.¹¹⁴

Further, the CA agreed with the RTC that there was abuse of superior strength, as Ragudo supposedly waited for the male employees to leave the office before killing Cacayorin, but ruled that such circumstance is absorbed into treachery.¹¹⁵

As to the conviction for simple theft, the CA affirmed the RTC's finding that all the elements have been proven, as Ragudo took possession and control of the firearm without the consent of its owner, and intent to gain was present because of the use of the gun.¹¹⁶

Hence, Ragudo filed the instant appeal.

¹⁰⁹ *Id.* at 18.

¹¹⁰ *Id.*

¹¹¹ *Id.* at 18–19.

¹¹² *Id.* at 19–20.

¹¹³ *Id.* at 20.

¹¹⁴ *Id.* at 20.

¹¹⁵ *Id.* at 21–22.

¹¹⁶ *Id.* at 22–23.

Issue

The question for this Court's resolution is whether the CA correctly sustained the conviction of accused-appellant Jose P. Ragudo, Jr.

This Court's Ruling

We modify the conviction in Criminal Case No. 5036-18 from murder to homicide and modify the penalty for the conviction in Criminal Case No. 5037-18 for theft.

To begin, this Court finds that Ragudo's defense of insanity must fail.

Article 12 of the Revised Penal Code provides that one of the circumstances that is exempt from criminal liability is when a person is insane, unless they have acted during a lucid interval.

Insanity in the context of this exempting circumstance is defined in *People v. Formigones*¹¹⁷ as being "deprived completely of reason or discernment and freedom of the will at the time of committing the crime."¹¹⁸

In determining whether a defense of insanity may prosper, this Court laid down the following three-way test in *People v. Paña*,¹¹⁹ thus, clarifying the guidelines in *Formigones*:

Considering the foregoing, we clarify the guidelines laid down in *Formigones*. Under this test, the insanity defense may prosper if: (1) the accused was unable to appreciate the nature and quality or the wrongfulness of his or her acts; (2) the inability occurred at the time of the commission of the crime; and (3) it must be as a result of a mental illness or disorder.

We now use a three-way test: *first, insanity must be present at the time of the commission of the crime; second, insanity, which is the primary cause of the criminal act, must be medically proven; and third, the effect of the insanity is the inability to appreciate the nature and quality or wrongfulness of the act.*¹²⁰ (Emphasis supplied)

As to the kind of evidence to prove insanity, both ordinary and expert witnesses may testify, although the nature of the mental illness of a person may be best identified by experts with specialized knowledge, thus:

¹¹⁷ 87 Phil. 658 (1950) [Per J. Montemayor, *En Banc*].

¹¹⁸ *Id.* at 660, cited in *People v. Paña*, 890 Phil. 533, 547-548 (2020) [Per J. Leonen, *En Banc*].

¹¹⁹ 890 Phil. 533 (2020) [Per J. Leonen, *En Banc*].

¹²⁰ *Id.* at 573.

Insanity, as an exempting circumstance, must be shown medically, unless there are extraordinary circumstances and there is no other evidence available. Our procedural rules allow ordinary witnesses to testify on the “mental sanity of a person with whom [they are] sufficiently acquainted,” but reports and evaluation from medical experts have greater evidentiary value in determining an accused’s mental state. The nature and degree of an accused’s mental illness can be best identified by medical experts equipped with specialized knowledge to diagnose a person’s mental health.¹²¹ (Citations omitted)

The quantum of evidence required to be shown to avail of insanity as an exempting circumstance is clear and convincing evidence.¹²²

In *Paña*, this Court stated that an accused pleading insanity as a defense cannot competently testify on their state of insanity, as “[a]n insane person would naturally have no understanding or recollection of their actions and behavioral patterns.”¹²³

In this case, Ragudo relies on the reports issued by the NCMH. The initial report issued on October 6, 2015 states that Ragudo was suffering from “psychosis classified as Schizophrenia,” but nevertheless assessed him as competent to stand trial, thus:

Based on the history, mental status examinations, observations and psychological test[s], the patient was found to be suffering from psychosis classified as Schizophrenia. This mental disorder is characterized by the presence of delusions, hallucinations, disorganized/irrelevant speech, disorganized/bizarre behavior and disturbance in affect. Likewise, the patient’s impulse control, frustration tolerance and judgment may be affected. In addition, there is significant impairment in functioning in areas of work, social relations and self-care. This psychiatric disorder runs a chronic course marked by periods of remissions and exacerbations.

At present, the patient is **COMPETENT** to stand the rigors of court trial.¹²⁴ (Emphasis in the original)

Also, the NCMH issued a supplemental report dated February 28, 2018 reiterating its previous finding that Ragudo suffered from “psychosis classified as Schizophrenia” and additionally opining that he was insane at the time of the commission of the offense, thus:

Based on the history, mental status examinations, observations and psychological test[s], the patient was found to be suffering from psychosis classified as Schizophrenia. The nature and characteristics of this mental disorder have been described in the previous report dated October 6, 2015.

¹²¹ *Id.* at 569.

¹²² *Id.* at 565–568.

¹²³ *Id.* at 573.

¹²⁴ Records (Criminal Case No. 5036-18), p. 74.

At present, the patient is **COMPETENT** to stand the rigors of court trial.

Prior to the offense, the patient was already exhibiting suspiciousness and impaired sleep for several days. He felt his neighbor was going to kill him and his family. He also felt that people were accusing him of illicit substance use. In his previous statements, he recalled that he was hearing commanding auditory hallucinations. He also narrated, “Nakaupo po ako, biglang bumigat and pakiramdam ko, parang may pumasok sa akin” before stabbing the victim with a knife. These symptoms of his mental disorder had caused him to fail to appreciate the nature and quality of his acts or know that his acts were morally and legally wrong at the time of the commission of the crime.

It is therefore our opinion that the patient-accused was insane at the time of the commission of the offenses.¹²⁵

Applying the three-way test in *Paña*, this Court concurs with the conclusion of the courts *a quo* that it was not sufficiently proven with clear and convincing evidence that accused-appellant was insane at the time of the commission of the crime.

We affirm the finding of the CA in not adhering to the legal conclusion of the NCMH that Ragudo was insane at the time of the commission of the offense.¹²⁶ To begin, he was examined more than one year after the incident and the finding was thus not based on his mental condition immediately before or during the commission of the crime charged.¹²⁷ As found by the RTC, his first examination with the NCMH was on May 13, 2015, or around one year and two months after the date of the commission of the offense charged, and his last examination was on February 18, 2015, or around two years after.¹²⁸ Further, as noted by the CA, the opinion of the NCMH was based on Ragudo’s self-serving narration of facts,¹²⁹ instead of the testimony or narration of persons with personal knowledge of his appearance and condition at the relevant time. Likewise, as pointed out by the RTC, it was not shown that Ragudo exhibited any of the above symptoms of his mental illness in the reports immediately before or during the time in question.¹³⁰

As found by the CA and RTC, Ragudo was able to recall several details on the day in question, before and after the time the act alleged occurred, with a peculiar mental block only as to the two extraordinary events of that day, that is, the commission of the crimes.¹³¹

¹²⁵ *Id.* at 120.

¹²⁶ *Rollo*, p. 18.

¹²⁷ *Id.*

¹²⁸ *Id.* at 43

¹²⁹ *Id.* at 18.

¹³⁰ *Id.* at 42.

¹³¹ *Id.* at 18–19, 39.

Also, the witnesses who were able to testify based on their personal knowledge on the appearance and condition of Ragudo at the time of the incident show no manifestation or indication that he was insane at the said time. When asked to describe Ragudo from the time they were co-employees, Salvador said that she observed that he was good and nice because whenever she saw him, he always greet her “good morning.”¹³² On cross-examination, she confirmed that prior to March 21, 2014, he did not witness any unusual behavior from Ragudo.¹³³

Additionally, Sacbibit pointed out that Ragudo appeared to act normal and as usual on the day of the alleged offense was committed, and that she did not notice any unusual behavior from him prior to that day.¹³⁴ She was even able to talk to Ragudo at around 2:30 to 3:00 p.m., around an hour prior to the incident, and she remarked that she had a normal conversation with him.¹³⁵

In sum, the proof presented by Ragudo failed to show clear and convincing evidence that the insanity was present at the time of the commission of the crime, and which rendered him unable to appreciate the nature of his acts at that time.

The elements of the crime of murder under Article 248 of the Revised Penal Code are as follows: (1) that a person was killed; (2) that the accused killed them; (3) that the killing was attended by any of the qualifying circumstances mentioned in Article 248; and (4) that the killing was not parricide or infanticide.¹³⁶

As observed by the CA, the first, second, and fourth elements are not at issue here, as the defense admitted the killing but invoked the exempting circumstance of insanity, with the only issue here being the presence of any of the alleged qualifying circumstances of murder.¹³⁷

Here, the Information for murder alleged the qualifying circumstances of treachery and abuse of superior strength.¹³⁸ It is settled that clear and convincing evidence must be presented for qualifying circumstances to be appreciated.¹³⁹

Treachery must be shown to be consciously and deliberately adopted, as the proof of a sudden, unexpected attack by itself is not sufficient, thus:

¹³² TSN, Charmaine D. Salvador, July 23, 2018, pp. 5–6.

¹³³ *Id.* at 23.

¹³⁴ TSN, Chita P. Sacbibit, April 16, 2018, p. 8.

¹³⁵ *Id.* at 9–10.

¹³⁶ *People v. Mendoza*, G.R. No. 237215, June 28, 2021 [Per J. J. Lopez, Third Division].

¹³⁷ *Rollo*, p. 20.

¹³⁸ Records (Criminal Case No. 5036-18), p. 3.

¹³⁹ *People v. Corpin*, 854 Phil. 516, 525 (2019) [Per J. Caguioa, Second Division].

There is treachery when the offender commits any of the crimes against persons, employing means and methods or forms in the execution thereof which tend to directly and specially ensure its execution, without risk to himself arising from the defense which the offended party might make. To qualify an offense, the following conditions must exist: (1) the assailant employed means, methods or forms in the execution of the criminal act which give the person attacked no opportunity to defend himself or to retaliate; and (2) said means, methods or forms of execution were deliberately or consciously adopted by the assailant. The essence of treachery is the sudden and unexpected attack by an aggressor on the unsuspecting victim, depriving the latter of any chance to defend himself and thereby ensuring its commission without risk of himself.

In order to appreciate treachery, both elements must be present. It is not enough that the attack was “sudden,” “unexpected,” and “without any warning or provocation.” There must also be a showing that the offender consciously and deliberately adopted the particular means, methods and forms in the execution of the crime which tended directly to insure such execution, without risk to himself.¹⁴⁰ (Citations omitted)

Verily, this Court has remarked that a mere sudden attack does not necessarily equate to treachery.¹⁴¹

In finding that treachery was present, the CA relied on the following findings: (1) the deceased was working in the office when accused-appellant suddenly assaulted her such that she was not able to speak a single word; (2) the medico-legal report showed that she was assaulted from the back, and at any rate, even a frontal attack is treacherous when unexpected and on an unarmed victim; and (3) accused-appellant deliberately took the opportunity to attack when the male employees had left the office.¹⁴²

We have previously ruled that “[c]ircumstances which qualify criminal responsibility cannot rest on mere conjecture, no matter how reasonable or probable.”¹⁴³ As such, We cannot speculate that the means employed by Ragudo were consciously and deliberately adopted merely from the fact that the attack was sudden and or that the male employees left the compound. To stress, the mere fact that the attack was sudden and unexpected does not automatically mean there was treachery present, absent a showing of how such method was deliberately chosen to accomplish the act without risk of defense.¹⁴⁴ Also, this Court has previously said that in the absence of proof as to how the attack started, treachery cannot be appreciated.¹⁴⁵ Thus, this Court cannot appreciate the qualifying circumstance of treachery.

¹⁴⁰ *People v. Enriquez, Jr.*, 854 Phil. 609, 617 (2019) [Per J. Caguioa, Second Division].

¹⁴¹ *People v. Dela Cruz*, 865 Phil. 984, 989 (2019) [Per J. Zalameda, Second Division].

¹⁴² *Rollo*, p. 21.

¹⁴³ *People v. Watamama*, 734 Phil. 673, 683 (2014) [Per C.J. Sereno, First Division], citing *People v. Rapanut*, 331 Phil. 820, 836–837 (1996) [Per J. Mendoza, Second Division].

¹⁴⁴ *People v. Pilpa*, 839 Phil. 1011, 1024 (2018) [Per J. Caguioa, Second Division].

¹⁴⁵ *People v. Plazo*, 403 Phil. 347, 358–359 (2001) [Per J. Quisumbing, Second Division].

The CA and RTC found that abuse of superior strength was present, albeit being absorbed into treachery.¹⁴⁶

For the qualifying circumstance of abuse of superior strength to be appreciated, there should be proof of the relative strength of the aggressor and the victim, and it should be shown that this superior strength was “purposely and consciously sought by the assailant,” thus:

It has been stressed that for abuse of superior strength to be properly appreciated as a qualifying circumstance, it must be shown that the advantage of superior strength was purposely and consciously sought by the assailant, *viz.*:

Abuse of superior strength is present whenever there is a notorious inequality of forces between the victim and the aggressor, assuming a situation of superiority of strength notoriously advantageous for the aggressor selected or taken advantage of by him in the commission of the crime. The fact that there were two persons who attacked the victim does not *per se* establish that the crime was committed with abuse of superior strength, there being no proof of the relative strength of the aggressors and the victims. The evidence must establish that the assailants purposely sought the advantage, or that they had the deliberate intent to use this advantage. To take advantage of superior strength means to purposely use excessive force out of proportion to the means of defense available to the person attacked. The appreciation of the aggravating circumstance depends on the age, size, and strength of the parties.

To take advantage of superior strength means to purposely use excessive force out of proportion to the means of defense available to the person attacked. However, as none of the prosecution witnesses saw how the killing was perpetrated, abuse of superior strength cannot be appreciated in this case. The testimonies of the witnesses do not establish that appellant made any conscious effort to use his age, size, or strength to facilitate the commission of the crime. Thus, the prosecution failed to prove that appellant purposely sought advantage of his superior strength. It is established that qualifying circumstances must be proven by clear and convincing evidence. It also bears reiterating that a qualifying circumstance must be proven as clearly as the crime itself. Corollarily, every element thereof must be shown to exist beyond reasonable doubt and cannot be the mere product of speculation.¹⁴⁷ (Citations omitted)

In *People v. Cortez*,¹⁴⁸ we emphasized that even when a man equipped with a deadly weapon attacked an unarmed woman, for abuse of superior strength to be appreciated, it must be established that the assailant purposely sought or deliberately intended to use such advantage:

¹⁴⁶ *Rollo*, pp. 21–22, 46–47.

¹⁴⁷ *People v. Bacares*, 875 Phil. 490, 504 (2020) [Per C.J. Peralta, First Division].

¹⁴⁸ 844 Phil. 1086 (2018) [Per J. Perlas-Bernabe, Second Division].

Although there have been cases where abuse of superior strength was appreciated where a male equipped with a deadly weapon attacked an unarmed and defenseless woman, jurisprudence nonetheless provides that for abuse of superior strength to be appreciated, “[t]he evidence must establish that the assailants purposely sought the advantage, or that they had the deliberate intent to use this advantage. To take advantage of superior strength means to purposely use excessive force out of proportion to the means of defense available to the person attacked.”¹⁴⁹ (Citations omitted)

Here, the only basis of the CA for ruling that abuse of superior strength was present is its conclusion that accused-appellant supposedly took advantage of the sex of the female victim and waited for the male employees to leave the office before killing her.¹⁵⁰ The RTC concluded that there was abuse of superior strength as the attack was made by an armed male perpetrator against an unarmed woman.¹⁵¹ As earlier mentioned, these are mere conjectures that are not supported by clear and convincing evidence,¹⁵² and do not show how such superior strength existed, the disparity between the attacker and the assailant, and how it was purposely sought or deliberately intended to use to the attacker’s advantage. As such, this Court cannot appreciate the qualifying circumstance of abuse of superior strength.

We cannot appreciate the mitigating circumstance of diminished exercise of willpower under Article 13(9) of the Revised Penal Code. While in *People v. Tampus*,¹⁵³ We ruled that schizophrenia may be considered as a mitigating circumstance “if it diminishes the exercise of the willpower of the accused,” the accused in that case had suffered from and was treated for schizophrenia a few months prior to the act alleged.¹⁵⁴ In *People v. Opuran*,¹⁵⁵ this Court confirmed that this mitigating circumstance is appreciated only when it is clear that the accused had been suffering from a disease affecting his intelligence and willpower for a number of years before the act alleged, and ruled in that case that since there is nothing on record that the accused had symptoms in the previous years or at the time of the act alleged, the mitigating circumstance cannot be credited:

We likewise reject the alternative plea of Anacito that he be credited with the mitigating circumstance of diminished willpower. *In the cases where we credited this mitigating circumstance after rejecting a plea of insanity, it was clear from the records that the accused had been suffering from a chronic mental disease that affected his intelligence and willpower for quite a number of years prior to the commission of the act he was being held for.* The situation does not exist in the cases at bar. It was only in 2000 that Anacito was diagnosed as “psychotic” with flight of ideas and

¹⁴⁹ *Id.* at 1096.

¹⁵⁰ *Rollo*, p. 21.

¹⁵¹ *Id.* at 46–47.

¹⁵² See *People v. Watamama*, 734 Phil. 673, 683 (2014) [Per C.J. Sereno, First Division], citing *People v. Rapanut*, 331 Phil. 820, 836–837 (1996) [Per J. Mendoza, Second Division].

¹⁵³ 607 Phil. 296 (2009) [Per C.J. Puno, First Division].

¹⁵⁴ *Id.* at 320.

¹⁵⁵ 469 Phil. 698 (2004) [Per C.J. Davide, Jr., First Division].

auditory hallucinations and was found to be schizophrenic. *There is nothing on record that he had these symptoms the previous years or at the time he stabbed the victim.*¹⁵⁶ (Emphasis supplied and citations omitted)

Here, accused-appellant was diagnosed with schizophrenia only one year and two months after the act alleged. Hence, it has not been sufficiently established that accused-appellant's exercise of his willpower has been diminished at the time of the incident. As such, this Court cannot consider the mitigating circumstance of diminished exercise of willpower.

Lacking the alleged circumstances qualifying the killing to murder, We are constrained to rule that accused-appellant can only be held guilty of homicide under Article 249 of the Revised Penal Code.¹⁵⁷ Applying the Indeterminate Sentence Law, and absent any mitigating or aggravating circumstances, the proper penalty is eight years and one day of *prision mayor*, as minimum, to 14 years, eight months and one day of *reclusion temporal*, as maximum.¹⁵⁸ In line with prevailing jurisprudence, the monetary awards of PHP 50,000.00 as civil indemnity and PHP 50,000.00 as moral damages are in order.¹⁵⁹ The award of PHP 60,000.00 as actual damages for burial and funeral expenses as testified on and evidenced by a receipt, is likewise proper.¹⁶⁰ Such awards shall earn legal interest at the rate of 6% per annum from the finality of this Decision until fully paid.¹⁶¹

As to the conviction for theft, We affirm the ruling of the CA and RTC that accused-appellant is guilty of theft instead of qualified theft as charged, as the prosecution failed to allege and prove grave abuse of confidence.¹⁶²

The elements of theft are as follows: (i) the taking of personal property; (ii) the property belongs to another; (iii) the taking was done with intent to gain; (iv) the taking was done without the consent of the owner; and (v) the taking is accomplished without violence or intimidation against person or force upon things.¹⁶³

On appeal, Ragudo's main contention against the charge of theft is bare denial and his general assertion that the testimonies of the prosecution witnesses were contrary to ordinary human behavior.¹⁶⁴ The CA and RTC

¹⁵⁶ *Id.* at 718.

¹⁵⁷ *People v. Macalindong*, G.R. No. 248202, October 13, 2021 [Per J. Lazaro-Javier, First Division].

¹⁵⁸ *People v. Dela Cruz*, 865 Phil. 984, 1001 (2019) [Per J. Zalameda, Second Division].

¹⁵⁹ *People v. Jugueta*, 783 Phil. 806, 852–853 (2016) [Per J. Peralta, *En Banc*].

¹⁶⁰ TSN, Adiel A. Cacayorin, May 21, 2018, p. 2.

¹⁶¹ *Lara's Gifts & Decors, Inc., v. Midtown Industrial Sales, Inc.*, G.R. No. 225433, September 20, 2022 [Per J. Leonen, *En Banc*] at 20–21. This pinpoint citation refers to the copy of this Decision uploaded to the Supreme Court website; *Nacar v. Gallery Frames*, 716 Phil. 267, 278–279 (2013) [Per J. Peralta, *En Banc*].

¹⁶² *Rollo*, p. 50.

¹⁶³ *Tijam v. People*, G.R. No. 251732, July 10, 2023 [Per J. Gaerlan, Third Division].

¹⁶⁴ CA *rollo*, pp. 39–40.

already addressed these contentions with its determination of the prosecution evidence showing that Ragudo took possession and control of the firearm without the consent of its owner, and that intent to gain was present because of his use of the firearm.¹⁶⁵ To recall, Rambaud testified that accused-appellant took the firearm from the cabinet where it was located, and that accused-appellant was neither authorized to possess that firearm nor had access to the cabinet containing the firearm.

This Court also agrees with the RTC that since there was no evidence presented as to the value of the firearm, jurisprudence provides that the courts may apply the minimum penalty under Article 309 of the Revised Penal Code, as amended.¹⁶⁶

However, as the range of the minimum penalty in Article 309 of the Revised Penal Code, as amended, is *arresto mayor* in its minimum and medium periods, which is one month and one day to four months, and in the absence of aggravating and mitigating circumstances, We modify the penalty of imprisonment of four months imposed by the RTC, and instead impose the penalty of imprisonment of two months and one day of *arresto mayor*.¹⁶⁷

ACCORDINGLY, the appeal is hereby **DENIED**. The September 29, 2022 Decision of the Court of Appeals in CA-G.R. CR-HC No. 13991 is **AFFIRMED** with **MODIFICATION**.

For Criminal Case No. 5036-18, accused-appellant Jose P. Ragudo, Jr., is found **GUILTY** beyond reasonable doubt for the crime of **HOMICIDE**, and is sentenced to suffer the indeterminate penalty of eight years and one day of *prision mayor*, as minimum, to 14 years, eight months, and one day of *reclusion temporal*, as maximum. Further, he is **ORDERED** to indemnify the heirs of Nancy A. Cacayorin the amounts of PHP 50,000.00 as civil indemnity, PHP 50,000.00 as moral damages, and PHP 60,000.00 as actual damages. Interest at the rate of 6% per annum shall be imposed on all damages awarded from the date of the finality of this Decision until fully paid.

For Criminal Case No. 5037-18, accused-appellant is found **GUILTY** beyond reasonable doubt for the crime of **THEFT**. He is sentenced to suffer the penalty of two months and one day of *arresto mayor*.

SO ORDERED.

¹⁶⁵ *Rollo*, pp. 22–23, 48–49.

¹⁶⁶ *Candelaria v. People*, 749 Phil. 517, 527–529 (2014) [Per J. Perlas-Bernabe, First Division].

¹⁶⁷ *Viray v. People*, 720 Phil. 841, 855 (2013) [Per J. Velasco, Jr., Third Division].


JHOSEP Y. LOPEZ
Associate Justice

WE CONCUR:


MARVIC M.V.F. LEONEN
Senior Associate Justice



AMY C. LAZARO-JAVIER
Associate Justice


MARIO Y. 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 this Court's Division.


MARVIC M.V.F. LEONEN
Senior Associate Justice
Chairperson, Second Division

CERTIFICATION

Pursuant to Article VIII, Section 13 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 this Court's Division.


ALEXANDER G. GESMUNDO
Chief Justice