



Republic of the Philippines  
 Supreme Court  
 Manila

FIRST DIVISION

PEOPLE OF THE PHILIPPINES,  
*Plaintiff-Appellee,*

G.R. No. 229508

Present:

- versus -

PERALTA, C.J.,  
 CAGUIOA,  
 CARANDANG,  
 ZALAMEDA, and  
 GAERLAN, JJ.

DENNIS PAUL TOLEDO y  
 BURIGA,\*  
*Accused-Appellant.*

Promulgated:  
 MAR 24 2021

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DECISION

GAERLAN, J.:

This resolves the appeal filed by accused-appellant Dennis Paul Toledo y Buriga (Dennis) against the affirmance<sup>1</sup> by the Court of Appeals (CA) in CA-G.R. CR-HC No. 06376 of his conviction<sup>2</sup> dated August 23, 2013 in Criminal Case No. Q-04-126527, for rape in relation to Republic Act (R.A.) No. 7610 or the Special Protection of Children Against Abuse, Exploitation and Discrimination Act.

Dennis was charged with rape in relation to R.A. No. 7610 in an Information<sup>3</sup> which reads:

That on or about the 11th day of April 2004, in Quezon City, Philippines, the above-named accused, by means of force, violence and intimidation, did then and there, wilfully, unlawfully and feloniously

\* Also referred to as "Dennis Paul Toledo y Burica" in some parts of the record.  
<sup>1</sup> *Rollo*, pp. 2-27; penned by Associate Justice Eduardo B. Peralta, Jr., with Associate Justices Noel G. Tijam (now a retired Member of this Court) and Francisco P. Acosta, concurring.  
<sup>2</sup> *Id.* at 36-48; rendered by Presiding Judge Roslyn M. Rabara-Tria of the Regional Trial Court (RTC) of Quezon City, Branch 94.  
<sup>3</sup> Records, p. 1.

commit an act of sexual assault upon the person of [AAA],<sup>4</sup> a minor, 8 years old, by then and there having sexual intercourse with the said offended party at his residence located at 982-B Malakas Street, Brgy. Pinyahan, Quezon City, two (2) times on the same occasion, all against her will and without her consent, which act debases, degrades and demeans the intrinsic worth and dignity of said [AAA], as a human being, to the damage and prejudice of the said offended party.

CONTRARY TO LAW.<sup>5</sup>

Dennis was arrested on April 12, 2004<sup>6</sup> and detained at the Quezon City Jail.<sup>7</sup> On June 7, 2004, the trial court referred Dennis to the National Center for Mental Health (NCMH) in order to determine his fitness to stand trial.<sup>8</sup> On December 1, 2004, the NCMH submitted its initial report on Dennis' mental condition which concluded that he is incompetent to stand trial.<sup>9</sup> The report found that Dennis was suffering from "Psychosis classified as Schizophrenia". The report likewise recommended that Dennis must continue his anti-psychotic medication and regular follow-up checkups to monitor and maintain his mental state.<sup>10</sup> In accordance with the conclusions of the NCMH report, the trial court archived the case until such time that Dennis be deemed fit to undergo trial.<sup>11</sup> On January 19, 2009, the Warden of the Quezon City Jail requested the trial court to order another mental examination of Dennis, claiming that his mental condition has since improved.<sup>12</sup> The trial court granted the request<sup>13</sup> and Dennis was brought to NCMH on February 20, 2009 for examination.<sup>14</sup> The NCMH reported no improvement in Dennis' mental condition and found him incompetent to stand trial.<sup>15</sup> On March 3,

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<sup>4</sup> The identity of the victim or any information which could establish or compromise her identity, as well as those of her immediate family or household members, shall be withheld pursuant to Republic Act No. 7610, entitled "AN ACT PROVIDING FOR STRONGER DETERRENCE AND SPECIAL PROTECTION AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION, AND FOR OTHER PURPOSES," approved on June 17, 1992; RA 9262, entitled "AN ACT DEFINING VIOLENCE AGAINST WOMEN AND THEIR CHILDREN, PROVIDING FOR PROTECTIVE MEASURES FOR VICTIMS, PRESCRIBING PENALTIES THEREFOR, AND FOR OTHER PURPOSES," approved on March 8, 2004; and Section 40 of A.M. No. 04-10-11-SC, otherwise known as the "RULE ON VIOLENCE AGAINST WOMEN AND THEIR CHILDREN" (November 15, 2004). (See footnote 4 in *People v. Cadano, Jr.*, 729 Phil. 576, 578 [2014], citing *People v. Lomaque*, 710 Phil. 338, 342 [2013]. See also Amended Administrative Circular No. 83-2015, entitled "PROTOCOLS AND PROCEDURES IN THE PROMULGATION, PUBLICATION, AND POSTING ON THE WEBSITES OF DECISIONS, FINAL RESOLUTIONS, AND FINAL ORDERS USING FICTITIOUS NAMES/PERSONAL CIRCUMSTANCES," dated September 5, 2017.) See further *People v. Ejercito*, G.R. No. 229861, July 2, 2018.

<sup>5</sup> Records, p. 1.

<sup>6</sup> Id. at 10.

<sup>7</sup> Id. at 16.

<sup>8</sup> Id. at 19.

<sup>9</sup> Id. at 20-23.

<sup>10</sup> Id. at 23.

<sup>11</sup> Order dated December 8, 2004, id. at 24.

<sup>12</sup> Id. at 25.

<sup>13</sup> Order dated February 3, 2009, id. at 26.

<sup>14</sup> Id. at 39.

<sup>15</sup> Memorandum from NCMH re: Follow-up report on the mental condition of patient Dennis Paul Toledo y Buriga, id. at 44-45.

2009, the Executive Judge of the Quezon City Regional Trial Court ordered<sup>16</sup> Dennis' transfer to the Metro Manila District Jail (MMDJ) in Taguig, after he was found to have been involved in "leftist tendencies", including a plot to write letters discrediting the Quezon City Jail administration, and for keeping lascivious photos of him and other inmates.<sup>17</sup> On March 9, 2009, the trial court, on the strength of the NCMH follow-up report, ordered: 1) the continued archival of the case, and 2) the submission of periodic reports on Dennis' mental condition.<sup>18</sup> On April 15, 2009, the NCMH submitted another follow-up report finding that Dennis' mental condition has improved and that he is fit to stand trial.<sup>19</sup> Accordingly, on April 23, 2009, the trial court reinstated the case to the active docket and set Dennis' arraignment for June 8, 2009. The arraignment proceeded as scheduled and Dennis pleaded not guilty, with the assistance of the Public Attorney's Office. The prosecution offered the testimonies of AAA, Dr. Paul Ed Ortiz, Senior Police Officer 1 Armando Rivera, Police Officer 3 Generose Nasol, and AAA's father BBB.<sup>20</sup> The defense called NCMH personnel Dr. Sarah C. Espinoza, Lourdes Palapal, and Susan B. Sabado to the witness stand.<sup>21</sup>

The trial court summarized the prosecution testimonies in this manner:

At around noontime on April 11, 2004, AAA, who was then eight (8) years of age and her brother BBB, six (6) years old, were playing near McDonalds Restaurant, Philcoa, Quezon City. Accused approached AAA and BBB and invited them to go with him to his house. Accused told AAA and BBB that if they will go with him, he will give them money and food and he will let BBB play with his (accused) computer. AAA and BBB went with the accused and they boarded a passenger jeepney. They alighted somewhere in Barangay Pinyahan, Quezon City and walked to the house of the accused. As soon as they entered the house, accused brought BBB inside a room and let the latter play with a computer. Thereafter, accused let AAA go to another room. Accused instructed AAA to lie down on the bed and go to sleep. When AAA was about to go to sleep, accused entered the room and told her that he will just get something. Accused then locked the door and approached AAA. He proceeded to undress AAA by removing her blouse, short pants and panty. Accused likewise removed his clothes. Accused held AAA's hands and inserted his penis into her vagina. Thereafter, accused inserted his finger into the vagina of AAA. Accused threatened AAA that if she will shout, he will let his dog bite her and BBB. Accused likewise told AAA he will kill her and BBB and they will not be able to get out of his house alive.

Not contented with what he has done, accused dragged AAA and brought her inside the comfort room. Accused let AAA sat down and spread

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<sup>16</sup> Id. at 42.

<sup>17</sup> Id. at 27-38.

<sup>18</sup> Order dated March 9, 2009, id. at 46-47.

<sup>19</sup> Id. at 49-50.

<sup>20</sup> Id. at 78, 85-86, 95-96, 100 & 104.

<sup>21</sup> Id. at 191-193, 207-208.

her legs (ibinukaka). Accused again inserted his finger into the vagina of AAA. Thereafter, accused let AAA lie down and inserted his penis into her vagina. AAA pleaded with the accused to let her and BBB go home. Accused asked AAA if she has an older sister. When AAA answered in the affirmative, accused told her to bring to him her older sister so that he will allow AAA and BBB to go home.

As soon as accused opened the door of the comfort room, AAA ran to where BBB was. BBB was shocked when he saw accused and AAA naked. AAA and BBB ran towards the door but the same was locked. AAA pleaded with accused to let them leave. Accused told AAA to dress up and reminded her to bring her older sister to him. Accused gave AAA and BBB P15.00 for their fare.

AAA and BBB went to the back of a Chowking Restaurant where AAA removed her bloodied panty and threw it away.

Upon arriving home, AAA immediately took a bath. She did not reveal what happened to her but her parents noticed that the towel which she used was stained with blood. AAA told them that the blood came from her wound. Her parents however insisted on asking what happened to her. They checked her vagina and saw that it was bleeding. It was only then that AAA told her parents she was raped by a man whose name was not known to her at that time. She however told her parents she could recognize the man if she will see him again. She described the man as a cripple with crutches (pilay na may saklay). They reported the incident to the barangay authorities in their place of residence. They were advised to go to Camp Crame for medical examination.

Dr. Paul Ed Ortiz, Medico-Legal Officer of the Philippine National Police (PNP) Crime Laboratory; Camp Crame, Quezon City, examined AAA. The findings of Dr. Ortiz are as follows: "Hymen: deep fresh laceration extending from 5 to 8 o'clock position. Posterior Fourchette: - congested with lacerated wound, measuring 0.9x0.4 cm. along the midline. Xxx Conclusion: Findings are compatible with recent loss of virginity. Xxx (Exhibit "F-F-3"). Dr. Ortiz testified that "a blunt trauma or instrument could produce the lacerated wound on the hymen of AAA and the injury was sustained less than twenty four (24) hours prior to the examination. After the medical examination of AAA, her father CCC asked her where she was brought by the man who raped her. They boarded a jeepney and proceeded to Barangay Pinyahan near the office of the Social Security System (SSS). AAA pointed to a house with the address No. 982-B Malakas St., Barangay Pinyahan, Quezon City as the place where she was raped. They coordinated with the barangay authorities of Barangay Pinyahan and went to the said address twice but they did not see the accused. They also reported the incident to Police Station 9, Quezon City Police District.

In the evening of April 13, 2009, AAA and CCC, accompanied by barangay tanods of Barangay Pinyahan and PO3 Armando Rivera returned to the house of the accused. When a man, who is a cripple with crutches was about to alight from a tricycle, AAA pointed to him as the person who raped her. PO3 Rivera and the barangay tanods apprehended the man who was later identified as the herein accused Dennis Paul Toledo y Buriga.

AAA, CCC and PO3 Armando Rivera identified the accused in open court.<sup>22</sup>

The defense argued that Dennis was insane when the alleged crime was committed. The defense witnesses' testimonies were summarized by the trial court as follows:

Dr. Zarah Ezpinoza, Medical Specialist III of the National Center for Mental Health (NCMH) testified that accused was referred to the NCMH for examination on September 8, 2004 to determine his competency to stand trial. She subjected the accused to a mental status examination and she prepared the corresponding report dated December 1, 2004 (Exhibit "1-1-C").

The psychiatric evaluation results are as follows: "Based on the history, mental status examination and observation, the patient was found to be suffering from Psychosis classified as Schizophrenia. The illness is characterized by the presence of delusions and/or hallucinations, disorganized speech and disorganized behavior, poor impulse control and low frustration tolerance. In addition, there is impairment of functioning in areas of work, self-care and social relations. This psychiatric disorder runs a chronic course and may go into remissions and exacerbations.

The patient still manifest[s] psychotic signs and symptoms, and is therefore deemed INCOMPETENT to stand the rigors of court trial."

According to Dr. Ezpinoza, it is possible that accused was already suffering from Schizophrenia at the time of the commission of the offense. She also stated that there is also the possibility that the accused started suffering from Schizophrenia only after the offense was committed.<sup>23</sup>

The trial court found Dennis guilty as charged. It gave full credence to AAA's testimony, which it found to be candid, straightforward, and detailed.<sup>24</sup> She positively identified Dennis in open court as the person who inserted his penis and finger into her vagina twice.<sup>25</sup> Furthermore, AAA's testimony was corroborated by the medico-legal findings which prove the fact of penetration.<sup>26</sup> On the contrary, the defense was unable to prove that Dennis' schizophrenia deprived him of the capability to reason at the time of the commission of the crime.<sup>27</sup> All that the NCMH witnesses could attest to what was the *possibility* that Dennis could have been suffering from schizophrenia at that time.<sup>28</sup> The trial court disposed of the case thus:

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<sup>22</sup> Id. at 205-207.

<sup>23</sup> Id. at 207-208.

<sup>24</sup> Id. at 211.

<sup>25</sup> Id.

<sup>26</sup> Id.

<sup>27</sup> Id.

<sup>28</sup> Id.

WHEREFORE, premises considered, the court finds accused Dennis Paul Toledo y Buriga guilty beyond reasonable doubt of the crime of rape in relation to Republic Act [No.] 7610 and he is hereby sentenced to suffer the penalty of *reclusion perpetua* without the eligibility of parole. The said accused is additionally ordered to pay the victim AAA civil indemnity of P75,000.00, moral damages of P75,000.00 and exemplary damages of P30,000.00; to pay the cost.

SO ORDERED.<sup>29</sup>

On appeal, the CA found no cogent or compelling reason to disturb the RTC's factual findings. The prosecution was able to establish all the elements of statutory rape.<sup>30</sup> The appellate court held that the defense failed to present "conclusive, corroborative and convincing evidence" that Dennis was suffering from schizophrenia immediately before or during the commission of the crime.<sup>31</sup> Dr. Espinoza categorically testified that the onset of Dennis' schizophrenia could have happened in jail or subsequent to the commission of the offense.<sup>32</sup> Furthermore, the totality of Dennis' acts betrays his full knowledge and awareness of his acts. He intentionally lured AAA and BBB to his house and separated the two children to accomplish his malicious purposes on AAA.<sup>33</sup> He likewise threatened AAA not to shout after inserting his finger into her sexual organ.<sup>34</sup> The CA disposed of the case thus:

WHEREFORE, premises considered, the Joint Decision dated August 23, 2013 of RTC, Branch 94, Quezon City in Criminal Case No. Q-04-126527 is hereby AFFIRMED with MODIFICATION that appellant Dennis Paul Toledo y Buriga is hereby ordered to pay AAA P75,000.00 as civil indemnity, P75,000 as moral damages and P30,000 as exemplary damages, plus interest of 6% per annum reckoned from finality of this Judgment.

SO ORDERED.<sup>35</sup> (Citations omitted)

Hence, the present appeal,<sup>36</sup> which this Court denies for lack of merit.

Article 12, paragraph 1 of the Revised Penal Code exempts insane persons from criminal liability, unless it is shown that they acted during a lucid interval. Under our present legal regime, persons are presumed to be

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<sup>29</sup> Id. at 212.

<sup>30</sup> *Rollo*, pp. 13-20.

<sup>31</sup> Id. at 22.

<sup>32</sup> Id.

<sup>33</sup> Id.

<sup>34</sup> Id. at 23.

<sup>35</sup> Id. at 25.

<sup>36</sup> Id. at 28-29.

sane<sup>37</sup> and to have intended the ordinary consequences of their voluntary acts.<sup>38</sup> Thus, the accused who invokes insanity as an exempting circumstance is deemed to have admitted or confessed to the criminal act.<sup>39</sup> The commission of the crime having been established through admission, the pivotal issue shifts to the fact of insanity; and the burden of proving such fact must be borne by the accused who invoked it.<sup>40</sup> Moreover, the defense must prove that the accused was insane at the time of the commission of the crime.<sup>41</sup> Proof of the insanity of the accused after the commission of the crime, especially during trial, is immaterial,<sup>42</sup> unless submitted to prove that the insanity is continuous or recurring.<sup>43</sup>

In the case at bar, both courts *a quo* found that the defense failed to prove Dennis' mental state at the time of the commission of the crime charged against him. Crucially, the defense did not present Dennis himself; or anyone who may have known him long enough to testify about his character, demeanor, or behavior, before or immediately after the incident or prior to his arrest. Instead, the defense relied solely on the psychological examinations conducted on Dennis by the NCMH staff, and the reports prepared in connection therewith. The records reveal that Dennis was examined or interviewed by NCMH psychologists on August 4, 2004,<sup>44</sup> September 8, 2004,<sup>45</sup> October 13, 2004,<sup>46</sup> and February 20, 2009.<sup>47</sup> All of the reports submitted by NCMH were thus based on examinations conducted after Dennis' arrest and detention. The initial NCMH report was prepared in December 2004, eight (8) months after the commission of the crime; while the last report was prepared in February 2009 or almost five (5) years after the incident. All three witnesses for the defense were NCMH employees; two of whom merely identified the reports as official records and had no part in the preparation of said reports. The NCMH reports categorically state that Dennis suffers from "*psychosis classified as Schizophrenia*",<sup>48</sup> a finding that is

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<sup>37</sup> CIVIL CODE, Article 800; *People v. Aquino*, 186 Phil. 851, 858 (1990), citing *People v. Aldemita*, 229 Phil. 448, 456 (1986), *People v. Morales*, 206 Phil. 350, 359-360 (1983), *People v. Bascos*, 44 Phil. 204 (1922), and *Davis v. United States*, 160 U.S. 469. See also *People v. Roy*, G.R. No. 225604, July 23, 2018; and *People v. Roa*, 807 Phil. 1003, 1012-1013 (2017); *People v. Isla*, 699 Phil. 256, 266-267 (2012).

<sup>38</sup> RULES OF COURT, Rule 131, Section 3(c).

<sup>39</sup> *People v. Salvador*, G.R. No. 223566, June 27, 2018; *People v. Bañez*, 361 Phil. 198, 212-213 (1999); *People v. Bonoan*, 64 Phil. 87, 91-92 (1937); *People v. Bascos*, 44 Phil. 204, 206 (1922).

<sup>40</sup> *People v. Bonoan*, *id.*

<sup>41</sup> I Ramon C. Aquino and Carolina C. Griño-Aquino, *The Revised Penal Code 208* (2008), citing *United States v. Guevara*, 27 Phil. 547, 549 (1914) and *People v. Catanyag*, 297 Phil. 325, 328 (1993); *People v. Villa, Jr.*, 387 Phil. 155, 161 (2000);

<sup>42</sup> *People v. Robiños*, 432 Phil. 322 (2002); *People v. Villa, Jr.*, *id.*; *People v. Cordova*, 296 Phil. 163, 196-197 (1993); *People v. Balondo*, 140 Phil. 618, 623 (1969).

<sup>43</sup> *Verdadero v. People*, 783 Phil. 168, 179-180 (2016), citing *People v. Austria*, 328 Phil. 1208, 1221-1222 (1996); *People v. Formigones*, 87 Phil. 658, 660-61 (1950); *People v. Bonoan*, *supra*.

<sup>44</sup> Records, p. 22.

<sup>45</sup> TSN, September 12, 2011, p. 16.

<sup>46</sup> TSN, October 20, 2011, p. 18.

<sup>47</sup> Records, p. 44.

<sup>48</sup> *Id.* at 23, 45.

corroborated by Dr. Zarah Espinoza (Dr. Espinoza), the lone defense witness who was able to examine and interact with Dennis.<sup>49</sup> However, she could not categorically state that Dennis was already experiencing schizophrenia at the time of the commission of the crime, *viz.*:

[Atty. Romano:] So based on the record, Doctor, the accused was first brought to the National Center For Mental Health on June 30, 2010?

[Dr. Espinoza:] Yes, sir.

[Atty. Romano:] And you are telling us that no medical record of the accused was present prior to that period?

[Dr. Espinoza:] Yes, sir.

[Atty. Romano:] When in particular, Doctor, when you discovered, based on your examination, that the accused was suffering from schizophrenia?

[Dr. Espinoza:] It was on September 8 after my first meeting with him, that was the first time that I saw him.

[Atty. Romano:] And based on your experience, Doctor, would you be able to make an approximation when possibly that specific mental illness suffered by the accused begun?

[Dr. Espinoza:] On approximation, the patient could have been some mental illness since several years ago.

[Atty. Romano:] And that would clearly cover the period of April 2004?

COURT: What year, April 2004?

[Atty. Romano:] Yes, your honor. Would it be possible, Doctor, that the accused could have been suffering from the said illness even years prior to that period April 2004?

[Dr. Espinoza:] Yes, sir.<sup>50</sup>

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[ACP Pagayatan:] So ho has psychosis based on your interview?

[Dr. Espinoza:] Based on the test, also on the test results,

[ACP Pagayatan:] Is there a treatment or cure with this kind of... by the way. Doctor, this schizophrenia has many types, am I correct?

[Dr. Espinoza:] Yes, ma'am.

[ACP Pagayatan:] And under what type does he...

[Dr. Espinoza:] The paranoid type.

[ACP Pagayatan:] And could you tell us the nature of the paranoid type?

[Dr. Espinoza:] The paranoid type of schizophrenia is a mental disorder wherein the patient is suffering from psychosis but there could be some...

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<sup>49</sup> TSN, October 20, 2011, pp. 19-23, 26-33.

<sup>50</sup> Id. at 3-4.



you may not be able to observe gross psychosis. Like the taong grasa, it's different. Sometimes the paranoid patient could look externally as normal person, externally he could appear as normal. But if you try to elicit its cause, you will notice that there is some faulty or some kind of disorder on the patient.

[ACP Pagayatan:] You mentioned that this kind psychotic disorder was experienced even while he was in his early age?

[Dr. Espinoza:] It could be.

[ACP Pagayatan:] Did he tell you about that, Doctor?

[Dr. Espinoza:] No.

[ACP Pagayatan:] No. So you have no basis in saying that...

[Dr. Espinoza:] Based on the interview. We gathered from the patient that he was having some kind of dysfunction in his studies. So he could not finish the course and transferring from one school to another. So this is a sign of some form of dysfunction.

[ACP Pagayatan:] Yet he did not present or submit to you any proof that he indeed stop schooling?

[Dr. Espinoza:] That is the reason why it is a possibility.<sup>51</sup>

x x x x

[ACP Pagayatan:] Is it possible, Doctor, that a person who is suffering from schizophrenia can have lucid intervals?

[Dr. Espinoza:] There could be.

[ACP Pagayatan:] Doctor, study shows that unlike people suffering from psychological disorder, people suffering from schizophrenia generally performed poorly in certain task, how is this true with respect to this case?

[Dr. Espinoza:] So his judgment maybe faulty, so we cannot make a wis[e] judgment or wise decision, so as I have said earlier, Hindi na siya magiging productive. He cannot sustain a work or a particular task. He cannot sustain a particular task.

[ACP Pagayatan:] And what could be this task?

[Dr. Espinoza:] Like, a work or a job. He may not be able to sustain it. Maybe he can start it, but as time goes by, he cannot sustain it anymore.

[ACP Pagayatan:] So it is possible that a person who suffering from schizophrenia could not perform academically?

[Dr. Espinoza:] It could be, ma'am.

[ACP Pagayatan:] But in the case of the accused in this case, he has graduated a course of political science?

[Dr. Espinoza:] Maybe the concept of his illness could have been later, hindi siya nuong elementary or high school Probably, college na nuong mag-start. So it's possible na natapos.

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<sup>51</sup> Id. at 29-30.

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[ACP Pagayatan:] In your evaluation of the accused, what could have been the cause, that triggered the onset of his schizophrenia symptoms?

[Dr. Espinoza:] Ma'am, usually in the life of a person, graduating from college is very taxing to the person, so it's a transition period. So puwedeng prone siya sa depression or prone na magkaroon siya ng problems mentally.

[ACP Pagayatan:] So you are now saying that the stress or depression could trigger the onset of schizophrenia?

[Dr. Espinoza:] Yes, ma'am.

[ACP Pagayatan:] So in the case of the accused, it is possible that the symptoms were experienced only during the time that he was jail wherein he was stressed?

[Dr. Espinoza:] Possible. Or possibly recurrence of the illness.

[ACP Pagayatan:] So it is also possible that this [sic] symptoms were experienced only by the accused only during the time that he was or after the commission of the offense?

[Dr. Espinoza:] That is also possible.<sup>52</sup>

Clearly, all that Dr. Espinoza could affirm is the *possibility* that Dennis was already suffering from schizophrenia at the time of the commission of the crime. This is because she had no way of determining Dennis' mental condition at that time, considering that the NCMH was unable to conduct a background investigation on Dennis, *viz.*:

[ACP Pagayatan:] Prior to your interview, Doctor, did you conduct any background investigation, family background investigation?

[Dr. Espinoza:] We tried to inform the escort to please inform the relatives of the accused to go us so that we could interview them but...

[ACP Pagayatan:] So you did not conduct any corroborative interview, Doctor, in order to validate your findings?

[Dr. Espinoza:] Yes, ma'am.

[ACP Pagayatan:] What are the causes of schizophrenia, Doctor?

[Dr. Espinoza:] It's multi-factorial, so there are many causes. It could be due to faulty mothering nuong maliit pa siya. It could be due to environment, the support system of patient's family [per se] could dysfunctional, it could also be genetic. They [sic] are many reasons.

[ACP Pagayatan:] It could be genetic. But you just said a while ago that you did not conduct any background interview, neither did you conduct any interview on the family or relatives of the accused?

[Dr. Espinoza:] We have no available informants, ma'am.

x x x x

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<sup>52</sup> Id. at 31-33.

[ACP Pagayatan:] You mentioned a while ago that you did not conduct family background which I think is crucial in validating your findings, that symptoms that were allegedly suffered by the accused and you rated the accused as above average?

[Dr. Espinoza:] Yes, ma'am.<sup>53</sup>

As we have earlier stated, the exempting circumstance of insanity is based on a crucial temporal parameter: the accused must be proven to be insane *at the time of the commission of the crime*. Consequently, this Court cannot accept the NCMH reports as sufficient proof of Dennis' mental state during the incident with AAA, since these reports pertain only to his mental state at the time of the examinations, which were both conducted months after the incident and after he had been arrested. Without a shred of evidence as to Dennis' mental state before or during the incident, his defense of insanity cannot be countenanced; and all that is left on record are the positive testimonies of AAA,<sup>54</sup> BBB, and CCC, as well as the results of the medico-legal examination conducted on AAA<sup>55</sup> which prove beyond reasonable doubt that Dennis raped AAA when she was still eight (8) years old. Consequently, this Court finds no reasonable basis to reverse the findings of the RTC, which were affirmed by the CA. Dennis is guilty beyond reasonable doubt of rape under Article 266-A(1)(d)<sup>56</sup> in relation to Article 266-B of the Revised Penal Code. However, the award of exemplary damages must be increased to ₱75,000.00, in line with prevailing jurisprudence.<sup>57</sup>

**WHEREFORE**, the present appeal is **DISMISSED**. The November 3, 2015 Decision of the Court of Appeals in CA-G.R. CR HC No. 06376 is hereby **AFFIRMED** with **MODIFICATION** as to the award of civil indemnity and damages. Accused-appellant Dennis Paul Toledo y Buriga is ordered to pay private complainant AAA the amount of ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages, including interest at the legal rate of six percent (6%) *per annum* on all amounts, reckoned from the finality of this Decision until fully paid.

<sup>53</sup> Id. at 21-22, 27.

<sup>54</sup> CA Decision, *rollo*, pp. 12-20.

<sup>55</sup> Id. at 8. The medico-legal officer found "deep fresh laceration in the hymen of AAA extending from 5 to 8 o'clock positions, which was sustained less than 24 hours prior to the examination."


<sup>56</sup> **Article 266-A. Rape; When And How Committed.** — Rape is Committed —

1. By a man who shall have carnal knowledge of a woman under any of the following circumstances:  
x x x x

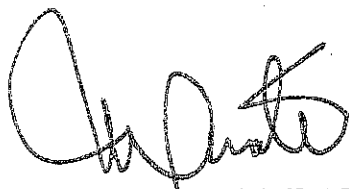
d. When the offended party is under twelve (12) years of age or is demented, even though none of the circumstances mentioned above be present.


<sup>57</sup> *People v. De Guzman*, G.R. No. 224212, November 27, 2019; *People v. Pagkatipunan*, G.R. No. 232393, August 14, 2019, citing *People v. Belen*, 803 Phil. 751, 774 (2017) and *People v. Jugueta*, 783 Phil. 806, 849 (2016).

**SO ORDERED.**

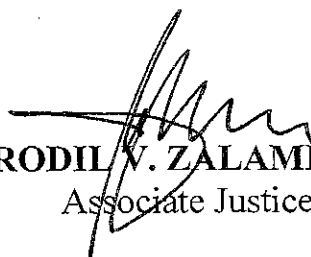
  
**SAMUEL H. GAERLAN**  
Associate Justice

WE CONCUR:

  
**DIOSDADO M. PERALTA**  
Chief Justice

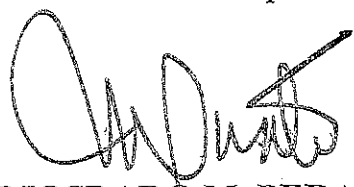
  
**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice

  
**ROSMARID. CARANDANG**  
Associate Justice

  
**RODIL V. ZALAMEDA**  
Associate Justice

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

  
**DIOSDADO M. PERALTA**  
Chief Justice