

[G.R. No. 2275. September 21, 1905]

**THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. IGNACIO DALASAY,
DEFENDANT AND APPELLANT.**

D E C I S I O N

JOHNSON, J.:

The defendant was charged with the crime of assassination in the following language: "That on a night in the month of July, 1904, the said defendant, without any motive, by means of a bolo which he then and there carried, in the barrio of Quios of the pueblo of Panitan of the Province of Capiz, did inflict various wounds upon the body of one Graciano Anacajan, from the effects of which wounds the said Graciano Anacajan then and there died." The said defendant was arrested, brought before the Court of First Instance of the said Province of Capiz and was, on the 29th day of September, 1904, found guilty of the crime of *homicidio* and sentenced to be imprisoned for a period of twelve years and one day of *reclusion temporal*, with the accessories of the law, and to pay the sum of P1,000 Philippine currency, to the heirs of the deceased, Graciano Anacajan, and the costs of the suit.

An examination of the proof adduced during the trial shows that the defendant and the deceased had been together on the afternoon of the day on which the defendant killed the said Graciano Anacajan, drinking tuba, and that they each became somewhat intoxicated; that late in the afternoon of said day, the deceased demanded of the wife of the defendant more tuba, out of which an altercation grew and the deceased became more or less enraged at the said refusal by the wife of the defendant; that the deceased then and there threatened to burn the house of the defendant. The evidence discloses that the house of the

defendant was burned, together with another house in the same community. The evidence does not clearly disclose whether the deceased set fire to the houses or not.

The fact that the defendant was the author of the death of the deceased, Graciano Anacajan, was admitted by him. The only defense offered by the said defendant was the said aggressions on the part of the deceased. There were no aggravating circumstances in the commission of the said crime. The inferior court considered the drunken condition of the defendant, at the time the crime was committed, as an extenuating circumstance. The evidence shows that he was not an habitual drunkard.

The evidence adduced during the trial of said cause was sufficient to justify the sentence of the inferior court and the same is therefore affirmed. So ordered.

Arellano, C. J., Torres, Mapa, Carson, and Willard, JJ., concur.
