

### Title:

**\*\*People of the Philippines vs. Mamerto Narvaez: A Case of Defense of Property Rights Leading to Homicide\*\***

### Facts:

This case revolves around the tragic deaths of Davis Q. Fleischer and Flaviano Rubia on August 22, 1968, in South Cotabato, Philippines. Mamerto Narvaez, the defendant, was embroiled in a land dispute with Fleischer & Co., Inc., where both deceased were top officers. For decades, settlers in South Cotabato, including Narvaez, contested the land against Fleischer & Co., which sought ownership through sales applications.

The contention escalated when Fleischer & Co. initiated fencing operations around a contested lot, which inadvertently cut off Narvaez from his property - including his house and rice mill. Upon witnessing the fencing and the direct damage to his property (including the chiselling of his house's walls), Narvaez voiced his concerns which were dismissed by Fleischer, prompting Narvaez to shoot and kill both Fleischer and Rubia.

This act led to his conviction for murder by the Court of First Instance of South Cotabato in 1970, sentencing him to reclusion perpetua for each count of murder and mandating compensatory and moral damages to the heirs of the deceased.

Narvaez appealed the decision, contesting his conviction on the grounds of self-defense and defense of property. This appeal brought the case to the Philippine Supreme Court.

### Issues:

1. Was there unlawful aggression by the deceased that warranted Narvaez's response in shooting them?
2. The proper classification of the crime committed by Narvaez considering the circumstances of defense.
3. The applicability and sufficiency of the mitigating circumstances of incomplete defense of property, voluntary surrender, and passion and obfuscation in reducing Narvaez's liability.
4. The validity of the awards for damages and the legal basis for such.

### Court's Decision:

The Philippine Supreme Court, in a landmark decision, re-evaluated the circumstances surrounding the case. The Court found:

1. There was unlawful aggression on the part of the deceased as they damaged Narvaez's property and posed an imminent threat to his rights over the property. This aggression,

however, was directed towards his property and not his person.

2. Considering the unlawful aggression was directed toward Narvaez's property, his act constituted defense of property, not self-defense. However, the force used by Narvaez was found to be disproportionate.

3. The Court recognized the presence of incomplete defense of property, changing the qualification of his act from murder to homicide. Additionally, it took into account mitigating circumstances: Narvaez's voluntary surrender and his state of passion and obfuscation, arising from the threat to his property and livelihood.

4. Given these considerations, the Court significantly reduced Narvaez's sentence to four months of *arresto mayor* for each count of homicide and adjusted the civil liabilities towards the heirs of the deceased.

### ### Doctrine:

This decision underscored the principle that defense of property can be considered as a mitigating circumstance when assessing criminal liability, provided there is unlawful aggression against said property. It highlighted the balance between protecting property rights and ensuring proportionate use of force in such defense.

### ### Class Notes:

- **Unlawful Aggression:** Essential element for the justifying circumstance of self-defense or defense of property under the Revised Penal Code. For property defense: aggression must be directed towards the property with a sufficient immediate threat.
- **Proportionality of Response:** The means employed to defend one's rights or property must be reasonable given the nature of the threat.
- **Mitigating Circumstances:** Conditions like voluntary surrender, passion/obfuscation, and incomplete defense (missing some elements of full self-defense or defense of property) can significantly affect sentencing.
- **R.A. No. 5465 Amending Art. 39, RPC:** Eliminates subsidiary imprisonment for inability to pay civil liabilities arising from indemnities for damages, focusing on fines only.

### ### Historical Background:

Reflective of the agrarian tensions in the Philippines, this case demonstrates the strained relations between land settlers and large agricultural corporations/entities. The context of resettlement, land distribution controversies, and the legal battles spanning decades provide a critical backdrop to understanding the lengths individuals might go to defend their property rights against perceived injustices.