

Title: People of the Philippines v. Perlito Mondigo y Abemalez

Facts:

The incident leading to this case occurred on 27 September 1998 during a drinking spree in Ligas, Malolos, Bulacan, involving Perlito Mondigo and others including Damaso Delima and his sons. At around 6:00 p.m., Mondigo attacked Anthony Delima with a “jungle bolo,” followed by an attack on Damaso Delima, who succumbed to his injuries. Mondigo claimed self-defense, asserting a quarrel escalated into a physical confrontation leading him to use the bolo in question. Charged with Murder and Frustrated Murder, the Regional Trial Court found Mondigo guilty, a decision modified by the Court of Appeals to include Frustrated Murder for the attack on Anthony. The case was eventually transferred to the Supreme Court following procedural norms.

Issues:

1. Whether Mondigo is guilty of Murder and Frustrated Murder, as charged.
2. Assessment of the self-defense claim by Mondigo.
3. Determination of the presence of treachery in the attacks.
4. Applicability of intoxication as a mitigating circumstance.

Court's Decision:

The Supreme Court found Mondigo guilty of Homicide (instead of Murder) for the killing of Damaso and upheld the conviction for Frustrated Murder in Anthony's case. It rejected Mondigo's self-defense claim due to lack of support and credibility. The Court held that treachery attended the attack against Anthony but not Damaso's killing, determining that there was insufficient evidence to appreciate treachery for Damaso's attack. Intoxication was not considered a mitigating circumstance due to insufficient proof of Mondigo's impaired mental faculties. Mondigo was sentenced to reclusion temporal for Homicide and to compensate the heirs of Damaso.

Doctrine:

Treachery is present when the mode of attack is adopted to ensure the assailant's safety from any defensive or retaliatory act that the victim might undertake. However, for treachery to be appreciated, the prosecution must clearly show the manner of attack which did not suffice in Damaso's case.

Class Notes:

- ****Self-defense****: Requires proof of unlawful aggression, reasonableness of the means to

prevent or repel it, and lack of sufficient provocation on the part of the person defending himself.

- **Treachery (Alevosia)**: Ensures execution of crime without risk to the assailant from any defense the victim might make, significantly affecting the classification of the crime and the corresponding penalty.

- **Intoxication**: To be considered mitigating, it must be shown that it is not habitual or subsequent to a plan to commit a felony, and that it impaired the mental faculties of the accused.

Historical Background:

This case reflects the judicial process in determining the presence of qualifying and mitigating circumstances in criminal acts, which are crucial in classifying crimes and determining penalties under Philippine law. It emphasizes the importance of corroborative evidences and witness testimonies in verifying claims of self-defense and intoxication.