

**\*\*Title:\*\***

People of the Philippine Islands vs. Gines Alburquerque y Sanchez, 59 Phil. 150 (1933)

**\*\*Facts:\*\***

Gines Alburquerque, a 55-year-old paralytic widower with nine children, lived with his daughter Maria, who supported the family. His daughter Pilar had an intimate relationship with Manuel Osma, resulting in her pregnancy and childbirth in 1928. Alburquerque was unaware of Pilar's situation initially but later sought Osma to legitimize the relationship or provide support. Osma did not fulfill his promise of supporting the child, causing deep distress to Alburquerque.

On an undisclosed day, Alburquerque visited Osma's workplace, and after seeking a private conversation, both men descended a staircase. During their conversation, upon Osma's refusal to marry Pilar, Alburquerque drew a penknife. Osma attempted to subdue Alburquerque by grabbing his neck, leading Alburquerque, due to his partial paralysis, to wound Osma fatally at the base of his neck instead of his intended target—the face. This confrontation resulted in Osma's death. Alburquerque voluntarily surrendered to the authorities.

**\*\*Procedural Posture:\*\***

Alburquerque was charged with homicide. The trial court found him guilty and sentenced him to eight years and one day of prison mayor and ordered him to indemnify the deceased's heirs with P1,000. Alburquerque appealed the decision, raising issues regarding his intent and possible mitigating circumstances.

**\*\*Issues:\*\***

1. Whether Alburquerque acted in legitimate self-defense.
2. Whether the mitigating circumstances of lack of intention to cause so grave an injury, voluntary surrender, and passion and obfuscation should reduce his criminal liability.
3. Whether Article 49 of the Revised Penal Code, relating to unintended crimes, is applicable.

**\*\*Court's Decision:\*\***

1. **\*\*Legitimate Self-Defense:\*\*** The Supreme Court held that Alburquerque could not claim legitimate self-defense as he initiated the aggression by brandishing a penknife. His provocation negated any self-defense claim.
2. **\*\*Mitigating Circumstances:\*\*** The Court acknowledged three mitigating circumstances

in favor of Alburquerque:

- Lack of intention to cause so grave an injury as death.
- Voluntary surrender to authorities.
- Acting under the influence of passion and obfuscation. These circumstances warranted a reduction in his penalty from reclusion temporal to prision mayor.

3. **Article 49 of the Revised Penal Code:** The Court clarified that Article 49, which pertains to crimes inflicted on a different person than intended, was inapplicable. Alburquerque's case directly involved his attack on Osma, even if the result differed from his intent.

**Doctrine:**

Mitigating circumstances can significantly reduce the severity of a criminal sentence, provided they are clearly established by evidence. Specifically, the lack of intention to cause a grave outcome (in this case, death), voluntary surrender, and acting out of passion and obfuscation can mitigate penalties.

**Class Notes:**

- **Homicide (Art. 249, Revised Penal Code):** Causing death without qualifying circumstances of murder or parricide.
- **Mitigating Circumstances (Art. 13, Revised Penal Code):** Factors that reduce the legal responsibility of the crime, including:
  - Lack of intention to commit so grave a wrong (par. 3).
  - Voluntary surrender to authorities (par. 7).
  - Acting under the immediate influence of passion or obfuscation (par. 6).
- **Penal Provisions:**
  - **Reclusion Temporal:** 12 years and 1 day to 20 years.
  - **Prision Mayor:** 6 years and 1 day to 12 years.
  - **Prision Correccional:** 6 months and 1 day to 6 years.

**Historical Background:**

The case arose during a period reflecting strict societal norms in the Philippines regarding family honor and legitimacy. It sheds light on the lengths to which an individual might go to protect familial reputation and the consequences of violating social expectations. The decision highlights the rigorous application of mitigating circumstances within the Philippine Revised Penal Code, reinforcing the judiciary's role in ensuring equitable justice by calibrating penalties to suit the specifics of the individual case context.