

Title: United States vs. Protasio Eduave

Facts:

- **Protasio Eduave's Relationship**: Protasio Eduave was romantically involved with the complainant's mother and living with her.
- **Complainant's Accusations**: Prior to the incident, the complainant had accused Eduave of rape and causing her pregnancy. She lodged a formal complaint with local officials.
- **The Attack**: Subsequently, Eduave attacked the complainant suddenly from behind, striking her with a sharp bolo. The blow produced a severe gash in her lumbar region, slightly to the side, measuring eight and one-half inches long and two inches deep, severing all muscles and tissues of that part.
- **Assumption of Death**: Eduave believed he had killed the complainant and disposed of her body in the bushes. Upon surrendering, he admitted to the authorities that he thought he had killed her.
- **Injury, Not Death**: Despite the severity of the wound, the complainant survived, leading to Eduave's prosecution for frustrated murder.

Procedural Posture:

- **Trial Court**: Eduave was tried and convicted in a lower court. He contended specific issues regarding the classification and degree of the crime.
- **Appeal**: Eduave appealed his conviction, arguing that:
 - If the complainant had died, the crime should be classified as homicide, not murder.
 - The proper criminal charge should be for attempted, not frustrated, homicide or murder.
- **Supreme Court Review**: The Supreme Court of the Philippines reviewed the facts and issues presented in the appeal.

Issues:

1. **Classification of Crime if Death Occurred**: Would the crime have been classified as murder or homicide if the complainant had died?
2. **Degree of the Crime**: Should Eduave's actions constitute attempted murder or frustrated murder?

Court's Decision:

1. **Classification of Crime**:
 - The Supreme Court affirmed that the crime would have been murder due to the presence of "alevosia" (treachery). Eduave's sudden attack from behind with a fatal blow qualifies the crime as murder, given the intent to kill and the manner of attack.

2. **Degree of the Crime**:

- The Court differentiated between attempted and frustrated felony under Article 3 of the Penal Code.
- **Frustrated Felony**: Occurs when the offender has performed all acts of execution that should lead to the consummation of the felony, but it does not result due to causes independent of the perpetrator's will.
- **Attempted Felony**: Occurs when the offender begins the felony through overt acts without completing all execution steps, due to some cause other than voluntary desistance.
- Eduave's actions were deemed frustrated murder because he completed all acts necessary to kill the victim, believing she had died, thus fulfilling the criteria for frustrated crime rather than attempted crime.

3. **Final Judgment**:

- The Supreme Court modified Eduave's penalty to thirteen years of cadena temporal due to the absence of aggravating or mitigating circumstances and affirmed the modified judgment with costs.

Doctrines:

- **Frustrated vs. Attempted Felony**: The essential distinction between frustrated and attempted crime hinges on whether all acts of execution are completed and whether the crime's non-consummation arises from the perpetrator's will or external causes.

Class Notes:

- **Frustrated Felony Elements** (Article 3, Penal Code):
 - Offender performs all acts of execution.
 - The felony does not result by causes independent of the offender's will.
- **Attempted Felony Elements** (Article 3, Penal Code):
 - Offender commences commission of the felony by overt acts.
 - Does not perform all execution acts due to external intervention or other causes, not including voluntary desistance.
- **Alevosia (Treachery)**:
 - Qualifies a crime as murder if the attack was carried out in a manner ensuring no risk to the offender due to sudden, unexpected attack on the victim.

Historical Background:

- **Context of Early 20th Century Philippine Judiciary**: During the early American colonial

period, Philippine jurisdiction was transitioning from Spanish-influenced legal procedures to those reflecting American governance and judicial philosophy. Crimes of violent nature, especially involving relationships and gender offenses, often highlighted the interplay between traditional social norms and emerging modern legal principles. This case encapsulates the judiciary's struggle with defining criminal intent and execution within the evolving Filipino legal landscape.