

****Title**:** People of the Philippine Islands v. Basilio Borinaga, 55 Phil. 433 (1930)

****Facts**:**

1. ****Agreement and Construction**:** Prior to March 4, 1929, an American named Harry H. Mooney, residing in Calubian, Leyte, hired Juan Lawaan to construct a fish corral. Basilio Borinaga was associated with Lawaan in the construction.
2. ****Dispute on Payment**:** On the morning of March 4, 1929, Lawaan and his men attempted to collect full payment from Mooney despite only two-thirds of the construction being completed. Mooney refused to pay.
3. ****Threat and Warning**:** Upon refusal, Lawaan warned Mooney about potential repercussions. Mooney dismissed the threat, suggesting any actions should be taken after his breakfast.
4. ****First Attack**:** That evening, Mooney was at neighbor Perpetua Najarro's store. While seated with his back to a window, Borinaga struck at Mooney with a knife, but the knife lodged in the chair. Mooney fell but was unharmed.
5. ****Intentions and Runner**:** Before the attack, Borinaga expressed intent to stab Mooney, calling him an "American brute." After the failed attack, Borinaga admitted only hitting the chair.
6. ****Second Attempt**:** Ten minutes later, Borinaga returned with the knife but was scared off by Mooney and Perpetua shining a flashlight on him.
7. ****Prosecution and Conviction**:** The events led to Borinaga's prosecution for frustrated murder. The defense relied on an alibi that was dismissed, resulting in a conviction and a 14-year, 8-month, and 1-day sentence of reclusion temporal with accessory penalties and costs.

****Issues**:**

1. ****Frustrated Murder vs. Attempted Murder**:** The legal issue primarily revolved around whether the facts constituted frustrated murder or merely attempted murder under Article 3 of the Penal Code.

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

1. **Majority Opinion**: The majority considered the crime to be frustrated murder. Despite no injury to Mooney, Borinaga performed all execution acts needed to complete the murder. The failure was due to external factors (the chair intervening). The subjective phase of the crime was completed, implying Borinaga had a clear intent and failed only due to circumstances beyond his control. Comparable cases (U.S. vs. Eduave, 36 Phil. 209; People vs. Mabugat, 51 Phil. 967) were cited to support this conclusion.

2. **Dissenting Opinion**: The dissent argued the crime constituted an attempted murder, emphasizing Borinaga's failure to inflict any injury. For a frustrated murder, all acts to cause death must be executed, and death prevention must be independent. Since Borinaga's blow never hit Mooney, it did not perform all necessary acts. The interference (the chair) only prevented the blow, equating the crime to an attempt, not frustration.

Doctrine:

The case established that the distinction between frustrated and attempted felonies hinges on the completion of all acts of execution that could produce the felony's result, and whether these acts were thwarted by causes independent of the perpetrator's will.

Class Notes:

- **Frustrated Felony**: All acts of execution performed; felony not completed due to independent reasons (Art. 3, Penal Code).
- **Attempted Felony**: Acts of execution not entirely performed; hindered due to external reasons or voluntary desistance (Art. 3, Penal Code).
- **Key Concepts**:
 - Intent and Manifestation: Direct intention and attempt to commit the felonious act.
 - Execution Acts: Completion of requisite acts to fulfill the offense.
 - Intervening Causes: Factors independent of the offender's will that prevent completion.

Historical Background:

The ruling came post-American colonization (1898), reflecting the integration of Spanish legal principles with American jurisprudence. This integration influenced the evolving interpretations of criminal intent and penal code applications in the Philippine justice system.