

****Title:**** The United States vs. Clemente Ampar, 37 Phil. 201 (1917)

****Facts:****

A fiesta was taking place in the barrio of Magbaboy, within the municipality of San Carlos, Province of Occidental Negros. During the celebration, roasted pig was being served. Clemente Ampar, a 70-year-old man, went to the kitchen and requested some of the roast pig from Modesto Patobo. In response, Patobo told Ampar, "There is no more. Come here and I will make roast pig of you." Offended and feeling disrespected, Ampar later approached Patobo from behind while he was squatting down and struck him on the head with an ax. Patobo succumbed to his injuries and died the next day.

The trial court found Ampar guilty of murder, attributing the qualifying circumstance of "alevosia" (treachery) to the crime. However, the court also considered the mitigating circumstance of "immediate vindication of a grave offense," reflecting Ampar's reaction to Patobo's provocation. As a result, Ampar was sentenced to the minimum penalty for murder, which included seventeen years, four months, and one day of cadena temporal, alongside accessory penalties, a fine of one thousand pesos payable to the heirs of the deceased, and the costs of the trial.

****Issues:****

1. Whether the lower court erred in considering the words of Modesto Patobo as a grave offense, thereby applying the mitigating circumstance of immediate vindication of a grave offense.
2. Whether the qualifying circumstance of treachery was appropriately applied in the conviction of Clemente Ampar for murder.

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

1. ****Grave Offense:****

- The Court examined whether Patobo's remarks amounted to a "grave offense" qualifying for the mitigating circumstance of immediate vindication. The Supreme Court referenced Spanish jurisprudence for comparison, which had ruled certain offensive or insulting remarks insufficient to justify this mitigating circumstance. Words such as "gato que aranaba a todo el mundo," "ladrones," and "era tonto, como toda su familia" were found not to meet the threshold of a grave offense. However, the phrase "tan ladron eres tu como tu padre" did qualify in a 1894 decision.
- Despite the precedents suggesting otherwise, the Supreme Court took into account

Ampar's age and the social context, concluding that to him, being made the butt of a joke during a community event was deeply offensive and justified the lower court's application of the mitigating circumstance.

2. **Treachery (Alevosia):**

- The Supreme Court upheld the finding of treachery, noting that Ampar struck Patobo from behind while he was squatting and defenseless. This act was deemed deliberate and directly aimed at ensuring that Patobo could not defend himself, thereby fulfilling the criteria for alevosia.

The Supreme Court affirmed the decision of the lower court entirely, maintaining the sentence against Clemente Ampar.

Doctrine:

1. **Mitigating Circumstance of Immediate Vindication of a Grave Offense:** The Supreme Court established that the perception of a grave offense can depend heavily on the personal and situational context of the offended party. In this case, the subjective feelings of an elderly man in a public and communal setting warranted the application of this mitigating circumstance.

2. **Treachery (Alevosia):** A conviction of murder can be elevated by treachery when the offender employs means that ensure the execution of the crime without risk to himself and without any possibility of defense from the victim.

Class Notes:

- **Elements of Treachery (Alevosia):**

1. The method of execution ensures the commission of the crime without risk to the perpetrator.

2. The victim is left without any means or opportunity for self-defense.

- **Immediate Vindication of a Grave Offense:** Section 7 of the Penal Code states that a lesser penalty can be applied if a felony is executed immediately after a serious provocation. This case illustrates how what may seem a minor insult in general terms can be perceived as a grave offense, contingent upon the individual's personal circumstances.

- **Cadena Temporal:** Defined under Article 27 of the Revised Penal Code, it involves a period of imprisonment ranging from 12 years and 1 day to 20 years, along with certain accessory penalties.

****Historical Background:****

This case was decided during the American colonial period in the Philippines when the legal system was still heavily influenced by Spanish legal traditions and jurisprudence. The incorporation of Spanish case law by the Philippine Supreme Court reflects the transitional phase where American legal structures were being integrated with previously existing Spanish legal principles, creating a unique hybrid legal framework in the country. This context is crucial for understanding the Court's reliance on Spanish legal precedents and its conservative approach to interpreting existing statutes.