

Title:

The People of the Philippines v. Sy Pio, Alias Policarpio de la Cruz

Facts:

On the morning of September 3, 1949, Sy Pio, alias Policarpio de la Cruz, entered a store at 511 Misericordia, Sta. Cruz, Manila, armed with a .45 caliber pistol. Upon entry, he shot Jose Sy. Tan Siong Kiap, who witnessed the shooting, questioned the appellant. Sy Pio then fired at Tan Siong Kiap, injuring his right shoulder. Tan Siong Kiap ran to a back room while Sy Pio continued firing his weapon before fleeing the scene. Tan Siong Kiap was hospitalized until September 12, with subsequent follow-up treatments.

Earlier that day, Sy Pio had also shot Ong Pian before the incident with Tan Siong Kiap and Jose Sy. Sy Pio was later apprehended by the Constabulary in Tarlac on September 5, where he admitted to shooting the victims and surrendered the pistol used.

During trial, Sy Pio disclosed resentment towards his victims, citing past employment grievances with Ong Pian and accusations by Tan Siong Kiap and Jose Sy of theft and gambling. Despite confessing at the time, at trial, he alleged a different individual, Chua Tone, committed the shootings, although this claim found no supporting evidence. The trial court convicted Sy Pio for frustrated murder, ordering an indeterminate sentence and damages to be paid to Tan Siong Kiap.

Issues:

1. Whether the trial court erred in not finding that Tan Siong Kiap was accidentally shot by the same bullet fired at Jose Sy.
2. Whether evidence was sufficient to sustain the conviction of frustrated murder.
3. Whether the defendant-appellant should have been found guilty of a less serious offense than frustrated murder.
4. Whether imposing an indemnity of P350 was justified.

Court's Decision:

- ****Accidental Shooting Claim:**** The Supreme Court determined that evidence showed Sy Pio aimed and fired at Tan Siong Kiap intentionally, dismissing any claim of an accidental shooting.
- ****Sufficiency of Evidence:**** Multiple points of evidence, including testimonies, the recovery of the pistol, and Sy Pio's admission, supported his conviction. His later assertions and the claim that another person committed the shootings were deemed unbelievable and

unsupported.

- **Crime Classification:** The Court concluded that while Sy Pio intended to kill Tan Siong Kiap, his actions did not complete all necessary acts of execution to cause death (objective and subjective). Recognizing this, his conviction was modified from frustrated murder to attempted murder, given that despite the clear intent to kill, the victim's escape demonstrated the assailant's realization that the result was not fatal.

- **Indemnity Imposition:** The Court upheld the lower court's decision to order indemnification for the hospital and doctor's fees amounting to P300, supporting the claim of P350 including uncontradicted expenses testified by Tan Siong Kiap.

Doctrine:

The doctrine of subjective and objective phases in determining the classification between frustrated murder and attempted murder was reiterated. Full execution involves not just the objective completion of all lethal acts but also the assailant's belief that these acts were sufficient to cause the victim's death.

Class Notes:

- **Elements of Frustrated Murder:**

1. **Intent to kill:** The assailant must have a clear intention to end the victim's life.
2. **Partial execution:** Actions taken must be sufficient to cause death if not for timely intervention or external factors.
3. **Subjective belief:** The assailant must believe they have completed all necessary acts to cause death.

- **Elements of Attempted Murder:**

1. **Intent to kill:** Similar to frustrated murder.
2. **Commencement of execution:** Acts performed taken toward distraction but fall short of causing fatal harm.
3. **External interruption:** The intervention or escape occurs preventing the completion of execution.

Relevant Statutory Provisions:

- **Revised Penal Code of the Philippines:** Articles on penalties for attempted and frustrated felony offenses.

Historical Background:

This case occurred in the post-World War II period in the Philippines, a time marked by social turbulence and judicial reform. The context reflects evolving standards in criminal justice, notably in specifying degrees of criminal execution and intent, refining legal distinctions critical for fair adjudication.

This case underscores the judicial move toward a more nuanced approach in assessing criminal liability by emphasizing the subjective mental states alongside objective actions, a leap forward in legal interpretations governing criminal attempts and frustrated offenses in the Philippines.