

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. SOFRONIO AMOTO, DEFENDANT-APPELLANT.

G.R. No. L-28273. January 18, 1982

Ponente: FERNANDEZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/263ac377ed5d/>

FERNANDEZ, J.:

This is an automatic review of the decision of the Court of First Instance of Agusan, Branch II, promulgated on September 18, 1967, in Criminal Case No. 3168, entitled "People of the Philippines, plaintiff versus Sofronio Amoto, accused", the dispositive portion of which reads:

"FOR ALL THE FOREGOING CONSIDERATIONS, the Court hereby renders judgment finding the accused SOFRONIO AMOTO guilty beyond reasonable doubt of the crime of murder, provided for and punished under Art. 248 of the Revised Penal Code, and it being the painful but imperative duty of the Court to do so, there being no mitigating circumstance to off-set the aggravating circumstance of abuse of superior strength, hereby sentences said accused to the maximum penalty of DEATH by electrocution, to indemnify the heirs of the deceased Milagros Pagalan in the sum of P12,000.00, and to pay the costs.

"The pair of scissors, Exh. "B" used in the commission of the crime, is hereby ordered confiscated in favor of the Government, the same to be turned over to the Agusan PC Command at Butuan City for proper disposal.

"SO ORDERED."[1]

In an information filed on November 4, 1965, the accused, Sofronio Amoto, was charged with the crime of murder as follows:

"That at or about 11:00 o'clock in the morning of October 11, 1965, at Agusan Pequeño, City of Butuan, Philippines, and within the jurisdiction of this Honorable Court, the said accused with malice aforethought and with deliberate intent to take the life of Milagros Pagalan, did then and there willfully, unlawfully, and feloniously, suddenly, unexpectedly, and treacherously, with abuse of superior strength, attack and stab the latter with a pair of scissors, wounding her on the vital parts of her body as a result of which she died.

"CONTRARY TO LAW: (Art. 248 of the Revised Penal Code)

"City of Butuan, Philippines, November 3, 1965."[2]

When arraigned on May 3, 1967, the accused pleaded not guilty.[3]

The facts, as narrated in the Brief for the Appellee, are:

"On October 11, 1965, the girl Carmelita Dangculos was in Agusan Pequeño, City of Butuan, in an extension of the house (separated only by a wooden partition) of the accused Sofronio Amoto where the latter lived with his common-law wife Amalia Florendo, and the latter's two (2) children, Arsenio Pagalan and Milagros Pagalan (pp. 26-27, 34, t.s.n.).

"At about 11:00 o'clock in the morning of October 1, 1965, while Carmelita was listening to the radio, she felt

the house shaking a little; a few moments later she heard someone shouting for help. The voice was ascertained to be that of Milagros Pagalan by Carmelita and her sister Venturada who was then washing clothes. Upon looking out of the window Carmelita and Venturada saw Milagros covering her breasts with her left arm and her mouth was oozing with blood; she was going towards the house of Ildefonso Goldemaro, only about five to six meters away (pp. 28, 31, 35, 38-39, 42-44, t.s.n.). Later they saw Milagros coming down from the house of Ildefonso Goldemaro with the latter assisting her as she walked toward the street (pp. 30-31, 40, t.s.n., Exhs. D & E, pp. 5, 7, rec.).

"Wilfredo Aparre, a member of the City Police Department of Butuan City was then about 25 meters from the scene of the aforementioned incident. When he saw that Milagros was wounded, he asked her what happened to her and Milagros replied 'I was raped and stabbed by Daddy' (pp. 48-50, 53, 62, t. s.n., Exh. F, p. 10, rec.). About 12:00 o'clock noon of that same day the accused was arrested by Wilfredo Aparre (pp. 57, 61, 71-72, t.s.n.).

"Milagros Pagalan died as she reached the hospital where she had been taken by Ildefonso Goldemaro. Dr, Angeluz R. Tupaz of the City Health Office of the City of Butuan made an autopsy on the cadaver at the Raniel's Funeral Parlor of that city, and set forth his post mortem findings, in the report Exh. H which reads:

'The body is that of a young adult female, fairly nourished, fairly developed, in a state of rigor mortis with multiple stab wounds mostly on the anterior chest walls. Deceased wore a straight cut dress with no underwear (panty).

'Old scar present about the anterior portion of the left thigh about 2 cm.

'Abrasions, lateral aspect, below right; knuckle, right.

'Scratched wound, V-shaped, zygomatic, left.

'Stab wounds, 0.5 cm. left side, neck; 0.5 cm. lower extremity sharp, vertical in position, right extremity sharp, left extremity, dull, 1 cm. from the anterior midline, 1.5 cm. below the medial aspect of the left clavicle, non-perforating; 2 cm., slanting, lower extremity sharp, 2 cm. from the anterior midline, left, 112 cm. from the sole of the left foot, perforating the left anterior chest wall thru the 2nd intercostal space, directed posteriorly to the left, slightly downwards, perforating the base of the right ventricle 2.2 cm., horizontal in position, lateral extremity sharp, 6 cm. from the anterior midline, 4.2 cm. over the right nipple, 111 cm. from the sole of the right foot perforating the right anterior chest wall thru the 2nd intercostal space, directed posteriorly and downwards, incising the right side of the diaphragm to the right dome of the liver.

'Lacerated wound, 3 cm. long, horizontal, medial 3rd; dorsal aspect, forearm, left; medial portion, hand, left; superior thenar eminence, hand, left.

'CAUSE OF DEATH: Shock, severe internal hemorrhage secondary to stab wounds of the chest.

'Genital examination revealed an old deep hymenal laceration at 1:00 o'clock in the face of the watch; another at 5:00 o'clock. There is presence of whitish secretion coming out of the vaginal canal. Uterus normal.

'Stomach contains partially digested food materials.

'Hemothorax, severe, left and right.

'Hemoperitoneum, severe.

'Heart normal and empty of blood.

'Other visceral organs normal. (Exh. H, pp. 66, 109-110, rec.; pp. 75-76, 81, t.s.n.).

"At the General Investigation Section of Butuan City Police Department, that afternoon of October 11, 1965, a

statement in question-and-answer form was given by the accused in which he admitted that he had killed Milagros Pagalan the reason being that when he advised her to behave as a woman, she demurred saying: 'Why do you mind me'; therefore he stabbed her with a pair of scissors about six (6) times after he had first gone down from the house and drank intoxicating liquor. He signed the statement under oath before Special Counsel Francisco Parcon, that same day, October 11, 1965 (pp. 3-15, 81, t.s.n.; Exhs. A, A-6, B, pp. 65, 73, rec.).

"On October 14, 1965, another statement was signed and subscribed by the accused before Special Counsel Ricardo S. Castillo, in which he denied the truth of the reasons why he had killed Milagros Pagalan as given by him in his previous affidavit of October 11, 1965. When asked what was the truth, he gave the following story: At around 8:00 in the morning of October 11, 1965, his common-law wife left their home for the Standard Plywood Factory where she was working; he had sexual intercourse with Milagros in the house when they were left alone; he wanted to repeat the act that same day, and Milagros agreed provided there was a chance to do so; he came downstairs for a drink and when he returned to the house he saw Milagros asleep on top of a table in the kitchen; he mounted on top of the table and Milagros was awakened; she yielded to his desire; while in the act of sexual intercourse, Milagros noticed that there was somebody in the other room and she shouted for help; he told her to keep quiet but she shouted again, whereupon he forgot himself and stabbed her repeatedly with a pair of scissors he found near the table; because Milagros was held tight in his arms, she was not able to escape, and he kept on stabbing her until they both fell on the floor where he continued to stab her; afterwards she managed to escape and run towards the house of Ildefonso Goldemaro, a neighbor (Exhs. C, C-1, pp. 11, 74, rec.; p. 81, t.s.n.)."[4]

The accused assigns as errors allegedly committed by the trial court the following:

"I

"THE LOWER COURT DID NOT CONSIDER THE MITIGATING CIRCUMSTANCES WHICH MITIGATE CRIMINAL LIABILITY UNDER ARTICLE 13 OF THE REVISED PENAL CODE, SECTIONS 3 AND 7 WHICH READ AS FOLLOWS:

'SEC. 3. THAT THE OFFENDER HAD NO INTENTION TO COMMIT SO GRAVE A WRONG AS THAT COMMITTED.

'SEC. 7. THAT THE OFFENDER HAD VOLUNTARILY SURRENDERED HIMSELF TO A PERSON IN AUTHORITY OR HIS AGENTS.'

AND SO ERRED IN IMPOSING THE MAXIMUM PENALTY FOR MURDER.

"II

"THE LOWER COURT DID NOT CONSIDER THAT THE CRIME COMMITTED IS HOMICIDE AND NOT MURDER AND SO ERRED IN FINDING THE ACCUSED GUILTY OF MURDER AND SENTENCED APPELLANT TO DEATH BY ELECTROCUTION.

"III

"THE LOWER COURT DID NOT CONSIDER HOMICIDE AND SO ERRED IN IMPOSING A PENALTY CONTRARY TO LAW."[5]

In his brief, the accused contends that he should have been convicted of homicide with two mitigating circumstances in his favor: 1) lack of intention to commit so grave a wrong as that committed; and 2) voluntary surrender.

These claims are without merit. The trial court correctly convicted him of murder. However, the said court's reasoning that:

"x x x Where the evidence shows, as in this case, that the attack, although frontal, was made with suddenness and without warning, while the accused was embracing the deceased to insure its due execution, and the deceased, who did not expect the attack, could not have defended herself, there is present the qualifying circumstance of premeditation or treachery in the commission of the crime and the crime herein committed by the accused is murder x x x"[6]

is contrary to its finding that:

"Seeing the pair of scissors, the accused made the preliminary stab wounds Nos. 1 and 2 by the left neck and shoulder of Milagros which were not fatal just to scare and silence her. But Milagros got scared indeed. She must have thought that the accused really meant to kill her, so her shoutings for help thereafter must have been very frantic. This was too much for the accused. He forgot himself, as he admitted in Exh. "C" and there and then began the merciless stabbings that caused fatal stab wounds Nos. 3, 4 and 5 which ultimately caused the untimely death of Milagros Pagalan."[7]

This Court finds that in the commission of the crime, the accused took advantage of his superior strength. The attack made by the accused, a man of 33 years, with a deadly weapon such as the pair of scissors in the instant case, upon an unarmed and defenseless young woman of 15 years, constitutes the circumstance of abuse of superior strength.[8] His sex and the weapon used afforded him more than sufficient means by which the young woman was overcome and rendered defenseless. This circumstance qualifies the killing as murder.

It was likewise error for the trial court to consider abuse of superior strength as a generic aggravating circumstance after holding that there was treachery, since the latter, had there been one, absorbs the former.[9]

The contention of the accused that he had no intention to commit so grave a wrong is equally without merit. In a similar case,[10] this Court held that "the inflicting by the accused of five (5) stab wounds in rapid succession x x x brings forth in bold relief the intention of the accused to snuff the life of the deceased, and definitely negated any pretense of lack of intention to commit so serious an injury." Intention, being an internal state must be judged by external acts, that is, by considering the weapon used, the part of the body injured, the injury inflicted, the manner it is inflicted, and the attitude of the mind when the accused attacked the deceased.

The evidence shows that the accused repeatedly stabbed Milagros on the chest, left side of the neck and inflicted two lacerated wounds on her left hand, with a pair of scissors, while holding her in tight embrace. It is clear that the accused intended to do exactly what he did and must be held responsible for the consequences of his act. He cannot avail of the mitigating circumstance of lack of intention to commit so grave a wrong.

The accused further claims that he is entitled to the mitigating circumstance of voluntary surrender because he was on his way to the police station to surrender when he was arrested by Patrolman Aparre. This claim is not substantiated, for as correctly observed in the Brief for the Appellee:

"x x x The allegation that the accused was on his way to the police station was made by the accused himself and is very very doubtful. But even if it is conceded that the accused was going to the police station when he was arrested, it does not necessarily follow that he was going there in order to surrender. The evidence shows that when Patrolman Aparre was asked why the accused was then going to the police station, he replied that 'according to him he will deliver a certain note coming from the deceased' (p. 49, t.s.n.). The accused himself never testified that he was on his way to the police station in order to surrender. It becomes harder to believe that the accused ever thought of voluntarily surrendering to the police authorities in the light of the statement of Ildefonso Goldemaro to the effect that he asked the accused to help him carry Milagros (who died before reaching the hospital) but he declined to do so (Exh. G-3, p. 77, rec.; pp. 68-81, t.s.n.)."[11]

The crime committed by the accused is murder, qualified by abuse of superior strength, punishable under Art. 248 of the Revised Penal Code by reclusion temporal in its maximum period to death. There being no mitigating nor

aggravating circumstance, the penalty to be imposed should be that in its medium period, reclusion perpetua.

WHEREFORE, the decision of the Court of First Instance of Agusan in Criminal Case No. 3168, entitled "People of the Philippines, plaintiff versus Sofronio Amoto, accused", is hereby AFFIRMED with the sole modification that the accused is sentenced to reclusion perpetua, and to indemnify the heirs of the victim in amount of P12,000.00, and to pay the costs.

SO ORDERED.

Fernando, C.J., Teehankee, Barredo, Makasiar, Aquino, Guerrero, Abad Santos, De Castro, Melencio-Herrera, Ericta, Plana, and Escolin, JJ., concur. Concepcion, Jr., J., on leave.

[1] CFI Decision, pp. 34-35; Rollo, pp. 44-45.

[2] Original Record, p. 13.

[3] Ibid., p. 40.

[4] Brief for the Appellee, pp. 3-6; Rollo, p. 169.

[5] Brief for the Accused-Appellant, Rollo, p. 78.

[6] CFI Decision, p. 33; Rollo, p. 43.

[7] Ibid., p. 31; Rollo, p. 41.

[8] People vs. Gatcho, February 26, 1981, 103 SCRA 207, 220.

[9] People vs. Abletes, 58 SCRA 241, 247; People vs. Cagod, 81 SCRA 110, 118.

[10] People vs. Braña, 30 SCRA 308.

[11] Brief for the Appellee, pp. 7-8; Rollo, p. 169.

This is an automatic review of the decision of the Court of First Instance of Agusan, Branch II, promulgated on September 18, 1967, in Criminal Case No. 3168, entitled "People of the Philippines, plaintiff versus Sofronio Amoto, accused", the dispositive portion of which reads:

"FOR ALL THE FOREGOING CONSIDERATIONS, the Court hereby renders judgment finding the accused SOFRONIO AMOTO guilty beyond reasonable doubt of the crime of murder, provided for and punished under Art. 248 of the Revised Penal Code, and it being the painful but imperative duty of the Court to do so, there being no mitigating circumstance to off-set the aggravating circumstance of abuse of superior strength, hereby sentences said accused to the maximum penalty of DEATH by electrocution, to indemnify the heirs of the deceased Milagros Pagalan in the sum of P12,000.00, and to pay the costs.

"The pair of scissors, Exh. "B" used in the commission of the crime, is hereby ordered confiscated in favor of the Government, the same to be turned over to the Agusan PC Command at Butuan City for proper disposal.

"SO ORDERED."[1]

In an information filed on November 4, 1965, the accused, Sofronio Amoto, was charged with the crime of murder as follows:

"That at or about 11:00 o'clock in the morning of October 11, 1965, at Agusan Pequeño, City of Butuan, Philippines, and within the jurisdiction of this Honorable Court, the said accused with malice aforethought and

with deliberate intent to take the life of Milagros Pagalan, did then and there willfully, unlawfully, and feloniously, suddenly, unexpectedly, and treacherously, with abuse of superior strength, attack and stab the latter with a pair of scissors, wounding her on the vital parts of her body as a result of which she died.

"CONTRARY TO LAW: (Art. 248 of the Revised Penal Code)

"City of Butuan, Philippines, November 3, 1965." [2]

When arraigned on May 3, 1967, the accused pleaded not guilty. [3]

The facts, as narrated in the Brief for the Appellee, are:

"On October 11, 1965, the girl Carmelita Dangculos was in Agusan Pequeno, City of Butuan, in an extension of the house (separated only by a wooden partition) of the accused Sofronio Amoto where the latter lived with his common-law wife Amalia Florendo, and the latter's two (2) children, Arsenio Pagalan and Milagros Pagalan (pp. 26-27, 34, t.s.n.).

"At about 11:00 o'clock in the morning of October 1, 1965, while Carmelita was listening to the radio, she felt the house shaking a little; a few moments later she heard someone shouting for help. The voice was ascertained to be that of Milagros Pagalan by Carmelita and her sister Venturada who was then washing clothes. Upon looking out of the window Carmelita and Venturada saw Milagros covering her breasts with her left arm and her mouth was oozing with blood; she was going towards the house of Ildefonso Goldemaro, only about five to six meters away (pp. 28, 31, 35, 38-39, 42-44, t.s.n.). Later they saw Milagros coming down from the house of Ildefonso Goldemaro with the latter assisting her as she walked toward the street (pp. 30-31, 40, t.s.n., Exhs. D & E, pp. 5, 7, rec.).

"Wilfredo Aparre, a member of the City Police Department of Butuan City was then about 25 meters from the scene of the aforementioned incident. When he saw that Milagros was wounded, he asked her what happened to her and Milagros replied 'I was raped and stabbed by Daddy' (pp. 48-50, 53, 62, t. s.n., Exh. F, p. 10, rec.). About 12:00 o'clock noon of that same day the accused was arrested by Wilfredo Aparre (pp. 57, 61, 71-72, t.s.n.).

"Milagros Pagalan died as she reached the hospital where she had been taken by Ildefonso Goldemaro. Dr. Angeluz R. Tupaz of the City Health Office of the City of Butuan made an autopsy on the cadaver at the Raniel's Funeral Parlor of that city, and set forth his post mortem findings, in the report Exh. H which reads:

'The body is that of a young adult female, fairly nourished, fairly developed, in a state of rigor mortis with multiple stab wounds mostly on the anterior chest walls. Deceased wore a straight cut dress with no underwear (panty).

'Old scar present about the anterior portion of the left thigh about 2 cm.

'Abrasions, lateral aspect, below right; knuckle, right.

'Scratched wound, V-shaped, zygomatic, left.

'Stab wounds, 0.5 cm. left side, neck; 0.5 cm. lower extremity sharp, vertical in position, right extremity sharp, left extremity, dull, 1 cm. from the anterior midline, 1.5 cm. below the medial aspect of the left clavicle, non-perforating; 2 cm., slanting, lower extremity sharp, 2 cm. from the anterior midline, left, 112 cm. from the sole of the left foot, perforating the left anterior chest wall thru the 2nd intercostal space, directed posteriorly to the left, slightly downwards, perforating the base of the right ventricle 2.2 cm., horizontal in position, lateral extremity sharp, 6 cm. from the anterior midline, 4.2 cm. over the right nipple, 111 cm. from the sole of the right foot perforating the right anterior chest wall thru the 2nd intercostal space, directed posteriorly and downwards, incising the right side of the diaphragm to the right dome of the liver.

'Lacerated wound, 3 cm. long, horizontal, medial 3rd; dorsal aspect, forearm, left; medial portion, hand, left; superior thumb eminence, hand, left.

'CAUSE OF DEATH: Shock, severe internal hemorrhage secondary to stab wounds of the chest.

'Genital examination revealed an old deep hymenal laceration at 1:00 o'clock in the face of the watch; another at 5:00 o'clock. There is presence of whitish secretion coming out of the vaginal canal. Uterus normal.

'Stomach contains partially digested food materials.

'Hemothorax, severe, left and right.

'Hemoperitoneum, severe.

'Heart normal and empty of blood.

'Other visceral organs normal. (Exh. H, pp. 66, 109-110, rec.; pp. 75-76, 81, t.s.n.).

"At the General Investigation Section of Butuan City Police Department, that afternoon of October 11, 1965, a statement in question-and-answer form was given by the accused in which he admitted that he had killed Milagros Pagalan the reason being that when he advised her to behave as a woman, she demurred saying: 'Why do you mind me'; therefore he stabbed her with a pair of scissors about six (6) times after he had first gone down from the house and drank intoxicating liquor. He signed the statement under oath before Special Counsel Francisco Parcon, that same day, October 11, 1965 (pp. 3-15, 81, t.s.n.; Exhs. A, A-6, B, pp. 65, 73, rec.).

"On October 14, 1965, another statement was signed and subscribed by the accused before Special Counsel Ricardo S. Castillo, in which he denied the truth of the reasons why he had killed Milagros Pagalan as given by him in his previous affidavit of October 11, 1965. When asked what was the truth, he gave the following story: At around 8:00 in the morning of October 11, 1965, his common-law wife left their home for the Standard Plywood Factory where she was working; he had sexual intercourse with Milagros in the house when they were left alone; he wanted to repeat the act that same day, and Milagros agreed provided there was a chance to do so; he came downstairs for a drink and when he returned to the house he saw Milagros asleep on top of a table in the kitchen; he mounted on top of the table and Milagros was awakened; she yielded to his desire; while in the act of sexual intercourse, Milagros noticed that there was somebody in the other room and she shouted for help; he told her to keep quiet but she shouted again, whereupon he forgot himself and stabbed her repeatedly with a pair of scissors he found near the table; because Milagros was held tight in his arms, she was not able to escape, and he kept on stabbing her until they both fell on the floor where he continued to stab her; afterwards she managed to escape and run towards the house of Ildefonso Goldemaro, a neighbor (Exhs. C, C-1, pp. 11, 74, rec.; p. 81, t.s.n.)."[4]

The accused assigns as errors allegedly committed by the trial court the following:

"I

"THE LOWER COURT DID NOT CONSIDER THE MITIGATING CIRCUMSTANCES WHICH MITIGATE CRIMINAL LIABILITY UNDER ARTICLE 13 OF THE REVISED PENAL CODE, SECTIONS 3 AND 7 WHICH READ AS FOLLOWS:

'SEC. 3. THAT THE OFFENDER HAD NO INTENTION TO COMMIT SO GRAVE A WRONG AS THAT COMMITTED.

'SEC. 7. THAT THE OFFENDER HAD VOLUNTARILY SURRENDERED HIMSELF TO A PERSON IN AUTHORITY OR HIS AGENTS.'

AND SO ERRED IN IMPOSING THE MAXIMUM PENALTY FOR MURDER.

“II

"THE LOWER COURT DID NOT CONSIDER THAT THE CRIME COMMITTED IS HOMICIDE AND NOT MURDER AND SO ERRED IN FINDING THE ACCUSED GUILTY OF MURDER AND SENTENCED APPELLANT TO DEATH BY ELECTROCUTION.

“III

"THE LOWER COURT DID NOT CONSIDER HOMICIDE AND SO ERRED IN IMPOSING A PENALTY CONTRARY TO LAW."[5]

In his brief, the accused contends that he should have been convicted of homicide with two mitigating circumstances in his favor: 1) lack of intention to commit so grave a wrong as that committed; and 2) voluntary surrender.

These claims are without merit. The trial court correctly convicted him of murder. However, the said court's reasoning that:

"x x x Where the evidence shows, as in this case, that the attack, although frontal, was made with suddenness and without warning, while the accused was embracing the deceased to insure its due execution, and the deceased, who did not expect the attack, could not have defended herself, there is present the qualifying circumstance of premeditation or treachery in the commission of the crime and the crime herein committed by the accused is murder x x x"[6]

is contrary to its finding that:

"Seeing the pair of scissors, the accused made the preliminary stab wounds Nos. 1 and 2 by the left neck and shoulder of Milagros which were not fatal just to scare and silence her. But Milagros got scared indeed. She must have thought that the accused really meant to kill her, so her shoutings for help thereafter must have been very frantic. This was too much for the accused. He forgot himself, as he admitted in Exh. "C" and there and then began the merciless stabbings that caused fatal stab wounds Nos. 3, 4 and 5 which ultimately caused the untimely death of Milagros Pagalan."[7]

This Court finds that in the commission of the crime, the accused took advantage of his superior strength. The attack made by the accused, a man of 33 years, with a deadly weapon such as the pair of scissors in the instant case, upon an unarmed and defenseless young woman of 15 years, constitutes the circumstance of abuse of superior strength.[8] His sex and the weapon used afforded him more than sufficient means by which the young woman was overcome and rendered defenseless. This circumstance qualifies the killing as murder.

It was likewise error for the trial court to consider abuse of superior strength as a generic aggravating circumstance after holding that there was treachery, since the latter, had there been one, absorbs the former.[9]

The contention of the accused that he had no intention to commit so grave a wrong is equally without merit. In a similar case,[10] this Court held that "the inflicting by the accused of five (5) stab wounds in rapid succession x x x brings forth in bold relief the intention of the accused to snuff the life of the deceased, and definitely negated any pretense of lack of intention to commit so serious an injury." Intention, being an internal state must be judged by external acts, that is, by considering the weapon used, the part of the body injured, the injury inflicted, the manner it is inflicted, and the attitude of the mind when the accused attacked the deceased.

The evidence shows that the accused repeatedly stabbed Milagros on the chest, left side of the neck and inflicted two lacerated wounds on her left hand, with a pair of scissors, while holding her in tight embrace. It is clear that the accused intended to do exactly what he did and must be held responsible for the consequences of his act. He cannot avail of the mitigating circumstance of lack of intention to commit so grave a wrong.

The accused further claims that he is entitled to the mitigating circumstance of voluntary surrender because he was on his way to the police station to surrender when he was arrested by Patrolman Aparre. This claim is not substantiated, for as correctly observed in the Brief for the Appellee:

"x x x The allegation that the accused was on his way to the police station was made by the accused himself and is very very doubtful. But even if it is conceded that the accused was going to the police station when he was arrested, it does not necessarily follow that he was going there in order to surrender. The evidence shows that when Patrolman Aparre was asked why the accused was then going to the police station, he replied that 'according to him he will deliver a certain note coming from the deceased' (p. 49, t.s.n.). The accused himself never testified that he was on his way to the police station in order to surrender. It becomes harder to believe that the accused ever thought of voluntarily surrendering to the police authorities in the light of the statement of Ildefonso Goldemaro to the effect that he asked the accused to help him carry Milagros (who died before reaching the hospital) but he declined to do so (Exh. G-3, p. 77, rec.; pp. 68-81, t.s.n.)."[11]

The crime committed by the accused is murder, qualified by abuse of superior strength, punishable under Art. 248 of the Revised Penal Code by reclusion temporal in its maximum period to death. There being no mitigating nor aggravating circumstance, the penalty to be imposed should be that in its medium period, reclusion perpetua.

WHEREFORE, the decision of the Court of First Instance of Agusan in Criminal Case No. 3168, entitled "People of the Philippines, plaintiff versus Sofronio Amoto, accused", is hereby **AFFIRMED** with the sole modification that the accused is sentenced to reclusion perpetua, and to indemnify the heirs of the victim in amount of P12,000.00, and to pay the costs.

SO ORDERED.

Fernando, C.J., Teehankee, Barredo, Makasiar, Aquino, Guerrero, Abad Santos, De Castro, Melencio-Herrera, Ericta, Plana, and Escolin, JJ., concur. Concepcion, Jr., J., on leave.

[1] CFI Decision, pp. 34-35; Rollo, pp. 44-45.

[2] Original Record, p. 13.

[3] Ibid., p. 40.

[4] Brief for the Appellee, pp. 3-6; Rollo, p. 169.

[5] Brief for the Accused-Appellant, Rollo, p. 78.

[6] CFI Decision, p. 33; Rollo, p. 43.

[7] Ibid., p. 31; Rollo, p. 41.

[8] *People vs. Gatcho*, February 26, 1981, 103 SCRA 207, 220.

[9] *People vs. Abletes*, 58 SCRA 241, 247; *People vs. Cagod*, 81 SCRA 110, 118.

[10] *People vs. Braña*, 30 SCRA 308.

[11] Brief for the Appellee, pp. 7-8; Rollo, p. 169.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.