

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. EUGENIO MISSION, DEFENDANT AND APPELLANT.

G.R. No. L-3488. November 28, 1950

Ponente: JUGO, J.

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JUGO, J.:

Eugenio Mission was accused before the Court of First Instance of Cebu of grave coercion. After trial he was found guilty of light threats and sentenced to pay a fine of P25, with subsidiary imprisonment in ease of insolvency, and to pay the costs.

He appealed to the Court of Appeals. But inasmuch as in his brief he raised the question of jurisdiction of the Court of First Instance to try the case, the Court of Appeals certified and forwarded the case to this Court for decision. Said question is raised in the first alleged error, which reads as follows:

"The trial court erred in assuming and exercising original jurisdiction of the case, because under Republic Act No. 296 original jurisdiction to try cases of threats to take human life is conferred upon justice of the peace and municipal courts."

The accused therein was charged with grave coercion, which is a different crime from that of threat to take human life, mentioned in section 87 of Republic Act No. 296, otherwise known as the Judiciary Act of 1946. It is unnecessary to say that the jurisdiction of the courts in criminal cases is determined by the allegations of the complaint or information and not by the findings the court may make after the trial,. The penalty for grave coercion is *arresto mayor* and a fine not exceeding P500 which is within the jurisdiction of the Court of First Instance. The fact that the court below after trial found the defendant guilty of light threats does not deprive it of its jurisdiction.

The first error assigned has, therefore, not been committed.

At the trial the prosecution tried to prove the following facts:

On April 30, 1948, Julian Yaun, the complaining witness, was working as tenant in a parcel of land of the defendant situated in Comon, municipality of Medellin, province of Cebu. In the afternoon of said day, the defendant and his wife Isabel T. Mission went to the land where Julian was working in order to receive their share of the corn crop. When they arrived there the defendant ordered the wife of Julian to call the latter. A son of Julian carried the message. Julian came to the accused, carrying in his belt a scythe. When the defendant saw Julian, he asked the latter why he was continuing working on the land when he had been told to discontinue his work, and scolded him. Julian answered that he would not get out of the land unless he, was paid the sum of P500 which he had spent for its preparation. There was a heated argument between the defendant and Julian, during which the defendant alighted from his horse, pulled his pistol, calibre .45, and pointed it at Julian, asking him whether he wanted to attack him. Julian answered that he did not want to fight, for he respected the defendant who was his *padrino* (sponsor of his wedding). When the defendant pointed his pistol at Julian, the defendant's wife tried to snatch away the pistol from him, but did not succeed. Irked by the answer which Julian gave him, the defendant

ordered Julian to throw away the scythe which he had in his belt. Julian obeyed. The defendant, already calm, approached Julian and patted him on the shoulder saying: "Thanks to God because you have not assaulted me, otherwise I would have killed you." Then the defendant told Julian to go the next day to the defendant's house to ask him for pardon and at the same time warned him not to continue working on the land.

The accused had resented the fact that Julian had not voted for the candidate for mayor recommended by him, and for that reason had advised Julian on a former occasion that after having gathered the pending crop, he should cease working on the land.

On the other hand, the witnesses for the accused testified in substance as follows:

On the afternoon of July 30, 1948, the defendant and his wife Isabel T. Mission went together to their house at the poblacion of Medellin. His purpose was to supervise the work done by his laborers on their land in Talisay. Her intention was to receive her share in the corn crop gathered from the land in Comon worked by Julian. Before separating, they agreed that he would fetch her from Comon. When Isabel arrived at said place, she saw that the corn had already been gathered and found there the wife of Julian and several persons who had come to buy corn. She was surprised that there the crop was meager in comparison with the previous crops, and expressed her astonishment to the wife of Julian, who, as sort of explanation, saw that it was due to the fact that her husband could not plow the land because he had been occupied in his work in his own land. This explanation did not please Isabel. After the distribution of the corn, she told the wife of Julian that they should not continue working in her land for the reason that they had their own. Julian's wife returned to her house. While Isabel was selling her corn to the purchasers, the defendant arrived at the place to fetch her. After a while Julian also came. He was very furious. Facing the accused, he said that before he would leave that land he would sacrifice lives and there would be bloodshed. Forthwith he drew his scythe and brandished it. The defendant who was on horseback, backed his horse, telling Julian to throw away his scythe; at the same time the defendant grasped the handle of his (defendant's) pistol which was hanging from his belt. The father-in-law of Julian snatched away the latter's scythe. When Julian was already disarmed, the defendant alighted from his horse, approached Julian and patted him on the shoulder. In a conciliatory tone, he admonished Julian for his hostile attitude, and asked him that on the following day Julian should come to his house because he was going to help him persuade Isabel to allow Julian to continue working on the land. Thus the incident ended.

The land on which Julian worked belonged to the defendant's wife, who had exclusive control of it. The defendant testified that he felt no resentment against Julian regarding the elections, and that he had not ordered Julian to stop working.

The trial court reached the conclusion that the narration made by the witnesses for the defense is more logical and natural, giving several cogent reasons, which it would be too long to reproduce here. The court below remarks that Julian, being of a nervous temperament and quite aggressive in character, it is not surprised that he behaved in the manner and form described by the witnesses for the defense, and that he uttered to the defendant the threatening phrases which the witnesses attribute to him. The trial Judge was in an adequate position to observe these circumstances.

However, the court says that it did not believe that Julian brandished his scythe. This remark is inconsistent with the reasons given by the court for giving credit to the testimony of the defendant's witnesses.

We believe that when the defendant grasped the handle of his pistol, his purpose was to dissuade the furious and nervous Julian from attacking him with the scythe, a deadly weapon, but not to shoot him nor even to threaten him wantonly, only to protect himself. He, therefore, acted in perfect self-defense.

In view of the foregoing, the judgment appealed from is hereby reversed, the defendant-appellant acquitted, with costs de oficio and the cancellation of his bond.

Paras, Feria, Bengzon, Padilla, Tuason, and Reyes, JJ., concur.

MONTEMAYOR, J. dissenting:

This is a case of a tenant summarily dismissed and ejected from the corn land he was cultivating, practically at the point of a gun. According to the prosecution, the reason for the dismissal was that the tenant, the offended party in this case, Julian Yaun, failed to vote for a certain candidate for Mayor as per instructions of his landlord, the accused herein, in the elections in 1947. According to the defense, however, the reason for the dismissal was that the tenant neglected or failed to devote as much time as he should in the cultivation of the land, resulting in a poor corn crop. Whether we believe the version of the Government or that of the defense, the dismissal was illegal and unwarranted under the law (Com. Act 461, as amended by Com. Act 608 and further amended by Republic Act 44) which requires previous investigation and the intervention of and approval by the Tenancy Law Enforcement Division of the Department of Justice, subject to appeal to the Court of Industrial Relations. And yet, in spite of this irregularity in the dismissal the offended party (the tenant) remained dismissed and left the land, and the landlord who unceremoniously and by pointing his A? caliber pistol at him to discourage and eliminate all resistance, as found by the trial court, which convicted said landlord, is being acquitted by this high Tribunal and relieved of the payment of a P25 fine to which he was sentenced by the trial court.

The question which is decisive in this case is whether or not the offended party brandished the scythe which he had hanging from or tucked under his belt or was carrying in his hand, and whether the accused only as a matter of precaution merely placed his hand on the handle of his revolver, or actually drew it out from its holster and pointed it at the offended party. The majority opinion says that "the trial judge was in an adequate position to observe these circumstances," referring to what actually happened during the encounter and dispute between the offended party and the defendant, and yet it does not accept the finding of the trial court that the offended party did not brandish his scythe, on the ground that said finding is inconsistent with the reasons given by the court below for giving credit to the defendant's witnesses. I fail to see the alleged inconsistency. On the contrary, it seems to me that it is perfectly natural, as found by the trial court, that the tenant Julian Yaun when dismissed from the land by his landlady or landlord without any previous investigation and without being heard, should resent said arbitrary action and declare that he could not be ousted from the land unless the value of the improvements he had made thereon was first paid to him, otherwise, he would first sacrifice himself and there would be bloodshed. He could well have made all these remarks, including the threat of bloodshed if ousted without reimbursement, threats, even in an aggressive manner, without brandishing the scythe that he was carrying. In fact, there was no need for such display of force and aggressiveness. According to the defense, the defendant was peacefully mounted on his horse. So, why should Julian brandish his scythe, "moro-moro" fashion, against a non-existent enemy?

Furthermore, it was far from likely that Julian should unnecessarily and as an empty gesture, brandish his scythe in the face of his landlord. In the first place, because as an hijado or godson it is hard to believe that he would do that to his padrino or sponsor, the accused herein. In the second place, it would invite an immediate reprisal in the form of shooting against which he was defenseless and had no chance. The defendant had a .45 caliber pistol which he could immediately use to shoot and kill a man armed only with a scythe.

The majority opinion says that the appellant merely grasped the handle of his pistol, the purpose being to dissuade the furious and nervous Julian from attacking him with the scythe, a deadly weapon, and concludes that "he

therefore acted in perfect self-defense." If that was all that defendant Mission did, there would absolutely have been no case against him, and the charge against him would have been groundless and empty and there would be no need for finding that he acted in perfect self-defense as the majority puts it because his action is not prohibited or condemned by any law.

It seems that the majority has overlooked the other finding of the trial judge who, according to the majority opinion "was in an adequate position to observe these circumstances" that the appellant actually drew out his gun and pointed it at Julian Yaun. I quote the pertinent portion of the decision of the trial judge found in the paragraph next to the last, which reads thus:

"Viendo la actitud insolente de Julian Yaun, indudablemente el acusado tambien se sintio molestado y con el objeto de amedrentar a aquel el desenfundo su revolver y apunto con el mismo al citado Julian Yaun. Al hacer esto, el no estuvo justificado, pues no creemos que es cierto lo que pretende la defensa que Julian Yaun estuvo entonblandiendo su hoz."

If, as found by the trial court, which finding I believe to be correct, Julian did not brandish his scythe but merely threatened to resist with violence, if necessary, his ejection from the land without reimbursement of the value of the improvements he made on it, then there was no illegal aggression to defend one's self against, and the theory of self-defense put up by the appellant and sustained by this court would fall to the ground.

I believe with the trial court that Julian Yaun did not brandish his scythe which he happened to be bringing with him from the fields where he was working and from where he had been summoned, but that he merely resisted being ejected from the land of which he was a tenant unless he was first paid the value of his improvements, and that the appellant to overcome such resistance and cow him into submission pointed his gun at him and succeeded in his object, as shown by the undisputed fact that Julian is no longer a tenant, and is now out of the land, all without the intervention of the Department of Justice or the Court of Industrial Relations.

In my opinion the decision of the trial court convicting the appellant of the offense of light threats and sentencing him to only a fine of P25 is correct and should be affirmed.

PABLO, M.:

Concurro con esta disidencia.

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