

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. JUANITO JAULA, DEFENDANT AND APPELLANT.*G. R. No. L-3835. November 15, 1951*

Ponente: PARAS, C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/c2c2bb43aa9a/>**PARAS, C.J.:**

This is an appeal from a judgment of the Court of First Instance of Iloilo, finding the appellant, Juanito Jaula, guilty of murder with slight physical injuries, and sentencing him to reclusion perpetua, to indemnify the heirs of the deceased, Rosa (Generosa) Pudadera, in the sum of two thousand pesos, without subsidiary imprisonment in case of insolvency, to the accessory penalties prescribed by law, and to pay the costs.

The evidence for the prosecution tends to show that on and prior to November 24, 1949, the appellant lived with his two children in the house of his sister-in-law, Generosa Pudadera, in the barrio of Kabalabagman, Mine, municipality of Pototan, province of Iloilo. Appellant's wife was sick and lived with her father in a house adjoining that of Generosa's. According to prosecution witness Eduardo Seballos, the appellant, in a conversation which took place in the afternoon of November 24, 1949, revealed the fact that he wanted to take away his children from the house of Generosa, but the latter resisted his desire, the appellant then and there threatening to kill Generosa, in the absence of her husband, if she would not give his children in the evening. Indeed, at about eleven o'clock that night, Gabriel Pudadera, who also lived in the house of his sister Generosa, was awakened when the latter called for help. Gabriel, who was sleeping about two meters away from his sister, thereupon, saw the appellant stab Generosa with a dagger as she lay on the floor face downward. Gabriel attempted to come to his sister's aid, but the appellant also struck him on the forehead and thereupon left. The next morning, the police authorities of Janiway, Iloilo, to whom the appellant surrendered with «. dagger, turned him to the police authorities of Pototan. According to prosecution witness Leonidas Dosado, the appellant had admitted before the police authorities of Janiway that he stabbed Generosa Pudadera.

Dr. Manuel Silva, president of the sanitary division of Pototan, who examined Generosa's dead body, made the following findings: "1. Wound: stabbed, thru and thru, point of entrance left external axillary line about the 4th intercostal space, measuring about 4 cms. long, point of exit about 3 cms. above the left nipple, measuring about 3 cms. long. 2. Wound: incised, across the right palm measuring about 8 cms. long. Cause of death, internal and external hemorrhages." The same officer examined the injury received by Gabriel Pudadera, and he testified that said injury did not need any medical attendance.

The appellant alleged, in defense, that he did not stab Generosa Pudadera and what really happened was that when he came to the house of Generosa in the afternoon of November 24, 1949, and inquired why one of his children was crying, Generosa told him that Gabriel beat him for his refusal to go home although it was already late at night. Reproached for his act, Gabriel immediately struck the appellant on the back with a piece of wood. As the appellant rose from his chair, he was again hit by Gabriel. Although the appellant succeeded in wresting the club from Gabriel, the latter was able to get hold of a kitchen knife. As Gabriel was about to hit the appellant with the knife, Generosa intervened and received the blow intended for the appellant. Again attacked by Gabriel, the

appellant was able to wrest the knife with which he wounded Gabriel on the head. He then left for the house of his father in barrio Karanas, Janiway, Iloilo, and surrendered the next morning to the police authorities of Janiway upon hearing that Generosa died and the police was after him.

There can be no doubt about the culpability of the appellant. Earlier on the day in question he had manifested his resentment over the refusal of Generosa Pudadera to part with his children and correspondingly threatened to kill Generosa. The location of the principal fatal wound of Generosa confirms the theory of the prosecution and is inconsistent with appellant's allegation that the deceased was accidentally hit by Gabriel. The testimony of Dr. Silva is quite decisive-against appellant's position. Moreover, the appellant admitted to the police authorities of Janiway that he stabbed Generosa. And appellant's counsel de oficio, convinced of the correctness of the judgment of conviction, merely contends that the crime committed by the appellant is homicide, because there is no evidence that Generosa was sleeping when attacked or that she already had her face downward when the appellant first stabbed her. Gabriel Pudadera testified, however, that the inmates of the house of Generosa Pudadera were asleep, except the appellant, and his testimony is entitled to credence, especially when it is borne in mind that the incident took place at about eleven o'clock in the evening.

The trial court considered the aggravating circumstance of disregard of the respect due the offended party on account of her sex, offset by the mitigating circumstance of voluntary surrender. In our opinion, it was error to appreciate the circumstance of sex, because there is here no showing that the appellant, aside from the unlawful taking of the life of a woman, manifested any specific insult or disrespect towards her. (U.S. vs. De Jesus, 14 Phil. 190; People vs. Metran, G. R. No. L-4205, July 27, 1951.) As pointed out by the Solicitor General, the trial court also erred in not imposing upon the appellant a separate penalty for slight physical injuries inflicted upon Gabriel Pudadera, in accordance with paragraph 2 of article 266 of the Revised Penal Code. There being one mitigating circumstance without any aggravating circumstance, the prescribed penalties should be imposed in the minimum periods.

Wherefore, it being understood that the appellant is sentenced, for murder, to the indeterminate penalty of from 12 years, prision mayor, to 20 years, reclusion temporal, and, for slight physical injuries, to 10 days of arresto menor, the appealed judgment is in all other respects affirmed. So ordered with costs.

Feria, Pablo, Bengzon, Padilla, Tuason, Reyes, Jugo, and Bautista Angelo, JJ., concur.

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.