

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS.
PAMFILO ARTUZ, DEFENDANT AND APPELLANT.***G.R. No. L-23386. May 26, 1976*

Ponente: FERNANDO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/c67c9cb0c269/>**FERNANDO, J.:**

It is a sad fate that every once in a while a person, peace-loving and law-abiding, contrary to his wishes but unable to control events or to anticipate what pugnacious and bellicose trouble-makers may have in mind, is compelled to resort to force in self-defense, in the course of which the aggressor may suffer physical injuries or even death. So it did happen in this case, resulting in a prosecution for murder of the accused Pamfilo Artuz, now appellant. The lower court, mindful of the circumstances to be hereafter narrated, did find that there was indeed an unlawful aggression and that there was no provocation on his part. In view of its belief, however, that there was lack of reasonable necessity for the means employed, it held that there was incomplete self-defense. Accordingly, appellant was sentenced to two years, four months and one day of prision correccional as minimum, to six years and one day of prision mayor as maximum. Nonetheless, fully cognizant as it was that the fatal incident could not be ascribed to a criminal intent on the part of appellant, it did allow his provisional release on liberty while his appeal was being prosecuted. A vigorous case for the reversal of the decision for acquittal was filed by his counsel, Attorney Estanislao A. Fernandez, later appointed to this Court, but now retired.[1] The brief for the People of the Philippines submitted by the then Solicitor General, now Justice, Felix V. Makasiar, joined the plea for his acquittal. After a careful examination of the evidence of record, we are persuaded that self-defense had indeed been shown as there was more than reasonable necessity for the means employed. The conviction is set aside, and the appellant is acquitted.

The facts of record was presented and appraised in the able brief for appellant in their most favorable light from his standpoint, as was to be expected. The cause of objectivity and impartiality may be better served by setting forth the facts according to the brief of appellee, the People of the Philippines. Thus: "Since appellant raises only a legal issue, he is deemed to have accepted the finding of facts made by the trial court. The facts of the case and the conclusions of the Court therefrom are as follows: 'These facts are proven: Leoncio Panganiban was the object of an assault perpetrated by Dominador Rallonza and companions; Panganiban informed Artuz about the incident and the latter immediately went down the house to report the matter to the authorities. Panganiban and Rallonza met Pat. Amorosa and while the three were walking they met Rallonza's group. A fight again ensued between Panganiban and Dominador Rallonza. Artuz separated Rallonza from Panganiban after which Rallonza rushed at Artuz with a weapon in his hand. Rallonza and Artuz grappled for the weapon until Artuz succeeded in grabbing it. After Artuz was in possession of the weapon * * * and when Rallonza continued to rush at him, Artuz stabbed Rallonza first in the lower chest and later twice at the back. Under the above facts, it cannot be said that there was reasonable means employed by accused Artuz in repelling the aggression of Rallonza. After Artuz had taken possession of the weapon and Rallonza had nothing more in his hand, the menace or danger to the life of the accused ceased or was greatly minimized. * * * Although the claim of self-defense is not established by clear and convincing evidence, the facts show that accused is at least entitled to an incomplete self-defense which

minimizes to a certain extent his criminal responsibility. The Court does not give much weight and credit to the testimony of the prosecuting witnesses tending to show that the stabbing of Rallonza was done with treachery. As found by the Court it was the deceased who commenced the unlawful aggression first against Leoncio Panganiban and then to the herein accused and that accused did not give any provocation for such aggression for undoubtedly it was Rallonza, who at that time was under the influence of liquor, who gave the provocation for the incident. These circumstances disprove the charge of murder; instead they show that Artuz fought back to defend himself against Rallonza, but the means employed by him were not reasonable and commensurate to the danger in which he was placed at the time he became master of the situation. * * *."[2]

There was a manifestation of fealty to the creed that should animate the prosecuting arm of the government when the then Solicitor-General Felix V. Makasiar, now a member of this Court as previously noted, after appraising the above facts concluded that appellant had demonstrated that he was entitled to the justifying circumstance of self-defense. His acquittal is therefore in order. As set forth at the outset, this Court is of the same mind.

1. Appellee's brief analyzed both the contention of counsel for appellant and the reasoning followed by the lower court in rejecting the claim of self-defense. Thus: "It is the contention of appellant's counsel that after appellant had wrested the weapon (tres cantos) from the deceased, the struggle had not ceased, for the danger to the appellant still existed because it was not impossible that the deceased could recover the weapon and thereafter used it against appellant. It is argued that even after the appellant had wrested the weapon from the deceased, the latter continued to advance toward him despite the fact that he was swinging the weapon from left to right and warning the deceased not to approach him. The deceased must have been unreasonably emboldened by the alcohol he had taken that, unheeding of the warnings given by the appellant, he rushed at the latter, in the course of which he was hit by the weapon on the chest. In the continuing struggle, the deceased was also hit twice at the back. With such as a background, the trial court concluded that, even assuming that the first wound on the chest was inflicted in self-defense, the wounds subsequently inflicted at the back of the deceased was not reasonably demanded by the circumstances 'since the menace or danger to the life of the accused ceased or was greatly minimized.'"[3] Appellee's brief then referred to what it characterized as revealing incidents: "1. That the deceased and his gang mauled up Leoncio Panganiban for no reason at all than the apparent thrill they get from such unwarranted assaults (p. 3, t.s.n., Dec. 12, 1962); 2. That the deceased and his gang were notorious for these sadistic activities in that vicinity (p. 2, t.s.n., Aug. 26, 1963); 3. That the deceased and his gang defied police authority, in the person of policeman Urbano Amorosa, who tried to stop them from assaulting Leoncio Panganiban when they, instead, rushed at the latter evidently because they were irked when Leoncio Panganiban pointed them to the policeman as his assailants (pp. 6-7, t.s.n., Feb. 5, 1963; p. 21, t.s.n., Feb. 28, 1962); 4. That in the ensuing free-for-all, the deceased first wounded the appellant on the knee with the death weapon and when the latter wrested possession thereof, the deceased still pressed the attack until he was stabbed on the chest (p. 7, t.s.n., Feb. 5, 1963; p. 10, t.s.n., Sept. 2, 1963); 5. That the struggle continued on without let-up for about a minute longer when the deceased still [persisting in his efforts to] recover the death weapon, was stabbed on the back and thereafter he fell down to the ground (p. 16, t.s.n., Feb. 28, 1962) * * *."[4] Its conclusion, with which we are in agreement, is that "appellant is entitled to the justifying circumstance of self-defense."[5]

2. The brief for the appellee relied on *People vs. Pancho*.^[6] It was shown in that case that a controversy having arisen between the accused and the deceased who was at fault, the latter seized his bolo and attacked the former. There was a struggle, with the accused having succeeded in getting the weapon away from his assailant who, however, tried to recover the weapon. Thereupon, the accused retreated a little, freed his right hand from the grasp of his opponent, and inflicted the wounds, from the effects of which the deceased died four days later. This Court, speaking through Justice Street, holding that the means employed was reasonable, pointed out: "Under these circumstances it is but natural that the appellant should have used the same weapon to defend himself, and more

properly so because his antagonist was larger and stronger than himself. In dealing with situations of this kind some allowance must be made for the excitement naturally incident to the physical contest; and it cannot fairly be said that in using the bolo as he did, the appellant passed beyond what was reasonably necessary for his own defense. It might very well have happened that the deceased would have recovered the bolo, and, enraged as he then was, the most probable thing is that he himself would have struck the appellant with the weapon, inflicting perhaps a fatal injury, or injuries, upon him. In the light of these considerations, we are of the opinion that the appellant should be acquitted." [7] The brief for the appellant relied on the first Philippine case in point, *United States vs. Patala* [8] decided in 1901, and thereafter *United States vs. Molina*, [9] decided in 1911. The opinions in both cases came from Justice Mapa. In *United States vs. Patala*, it was shown that the accused, who was a member of the crew in an inter-island vessel, was performing his task cleaning the fish to be served the passengers when all of a sudden the cook, believing that some fish were missing, slapped and kicked him. The accused ran away; he was pursued and attacked with a knife. Then, as stated by Justice Mapa, "taking advantage of some favorable chance during the struggle, [he] succeeded in wresting the knife from the deceased and inflicted upon him a wound in the left side, from the result of which he died a few hours later." [10] It was then set forth: "The aggression on the part of the deceased was in every respect unjustified, and the defendant had a perfect right to repel the attack in the most adequate form within his power under the critical circumstances of a sudden assault." [11] In *United States vs. Molina*, [12] the evidence disclosed that the accused went to the house of the deceased hoping to settle amicably a dispute that arose when his son, who was living with the latter's daughter as his common-law wife, left her. His mission was unsuccessful, for upon reaching that place, the accused was insulted and then assaulted with a bolo. While he had no weapon with him, he fought with the aggressor and was able to get hold of the bolo. With it, he inflicted the wounds which proved fatal. In holding that the means was reasonable and that the plea of self-defense was entitled to acceptance, Justice Mapa emphasized: "Considering the decidedly aggressive attitude of the deceased from the commencement of this struggle until its termination, it can not be said that there was a cessation of the danger for the accused, even for a single instant. If, through the various incidents of the struggle, or any favorable accident whatever, the deceased had succeeded in recovering the bolo or in possessing himself of the hatchet, as he attempted to do to the last, the result of the combat would probably have been very different; perhaps the accused, instead of being the slayer, would himself have been killed. The accused certainly was not duty-bound to expose himself to such a contingency, and while the struggle continued, and, consequently, the danger to his person or to his life subsisted, he had a perfect and indisputable right to repel such danger by wounding his adversary, if necessary, as from the circumstances of the case it was, and even to disable him completely so that he could not continue the assault. In our opinion, the means employed by the accused were rationally necessary to repel the assault, and as the latter was in all respects unlawful and was not preceded by any provocation of any kind on the part of the accused himself, we declare the said accused to be exempt from criminal liability, in accordance with the provisions of paragraph 4 of article 8 of the Penal Code." [13]

3. It may not be amiss to point out that in addition to Justice Mapa, the other two in the illustrious group of Filipino jurists who were first appointed to this Court, Chief Justice Arellano himself and Justice Torres, viewed the matter similarly. In *United States vs. Gesmundo*, [14] a 1907 decision, the accused used a pen-knife against the deceased, who held him by the neck. As succinctly put by Chief Justice Arellano: "Death resulted from the wounds inflicted. The characteristic elements of self-defense are here well defined, and anyone acting under such circumstances is relieved from criminal responsibility." [15] In *United States vs. Paras*, [16] promulgated that same year, the accused used a revolver after having been assaulted and knocked down by the deceased. With his nose bleeding and while still being kicked by the aggressor, he fired several shots at his assailant. Again, this Court held that, that was a proper case of self-defense, the means employed being reasonable, the essential point being "that without any known cause or reason, Florencio Paras, in the darkness of night, was assaulted in a brutal

manner by James Reed, who knocked him down, and the assaulted party in self-defense fired at his assailant several shots with the revolver he carried in his hand." [17] It was further stated by Justice Torres: "It is reasonable to believe that the accused, when he defended himself by shooting his assailant, did not exceed his rights in his defense or employ unnecessary means to repel an attack already commenced in a cruel and violent manner or to prevent its continuation, because from the suddenness of the attack, the end thereof, without risk to his person, could not be assured. It would not be proper or reasonable to claim that he should have fled or selected a less deadly weapon, because in the emergency in which, without any reason whatever, he was placed, and being attacked by a person larger and stronger than himself, there was nothing more natural than to have made use of the weapon he held, in order to defend himself; anyone, upon being assaulted in a similar manner, would have acted likewise. In the natural order of things, following the instinct of self-preservation, he was compelled to resort to a proper defense; an impossibility can not be demanded of the injured person when it can not be affirmed that he could have done less than he did in defending himself by shooting at his assailant who had maltreated him and knocked him down." [18]

4. It would thus appear that the lower court was unduly strict in its appreciation of the situation that confronted appellant. It was not for him a matter that he could, with calmness and sobriety, objectively weigh. He was attacked by an assailant intent on mayhem and possibly worse. He had already been wounded; his life was in danger. The aggressor in addition was further emboldened by his gang, rowdy elements unmindful of, if not taking pride in, the injury they could inflict on peaceful citizens. It was the assailant likewise who had the weapon. Appellant had the good fortune of being able to take it away from him. That ought to have given pause to the former. It did not. The peril then to appellant's life, actual and imminent, continued. He had in his hand the only means of self-defense. He did brandish it to warn the deceased. The response was negative. What else was there left then for appellant except to act exactly as he did? It would be to disregard the counsel of realism and to rely on the conjectural if on the above facts he would be denied exculpation. The test of rationality is not what a man should be under normal circumstances and with time for cool reflection present. It is rather how an individual in such dire situation, with the grim prospect of the loss of life, would react. The law wisely takes into consideration the well-nigh irresistible force of the instinct of self-preservation. This Court, from the previously cited case of *United States vs. Patala* [19] promulgated in 1901, to *People vs. Boholst-Caballero*, [20] a 1974 decision, has been steadfast and unwavering in its adherence to such a test of rationality. [21] There is no justification for a departure from such a norm. The appellant is entitled to acquittal.

WHEREFORE, the decision of the lower court of February 26, 1974 finding the accused guilty of homicide with the attendant mitigating circumstances of voluntary surrender and incomplete self-defense is reversed and the accused is acquitted. His bond for provisional liberty is ordered cancelled. With costs de oficio.

Barredo, Antonio, Aquino, and Martin, JJ., concur.

Concepcion, Jr., J., is on leave.

[1] He was assisted by Attorneys Jose A. Ambrosio and Patrio C. Avendaño.

[2] Brief for the Appellee, 2-4.

[3] *Ibid*, 5-6.

[4] *Ibid*, 6-7.

[5] *Ibid*, 7.

[6] 56 Phil. 516 (1932).

[7] Ibid, 519.

[8] 2 Phil. 752.

[9] 19 Phil. 227.

[10] 2 Phil. 752, 756.

[11] Ibid, 756.

[12] 19 Phil. 227.

[13] Ibid, 232. The brief for the appellant likewise cited *People vs. Rabandaban* (85 Phil. 636 [1950]) a parricide case, the facts of which are similar, the wife getting hold of a bolo and wounding the husband, who was then able to take it away from her and with it stabbed her in the breast. He was acquitted of parricide, as it was a legitimate case of self-defense, the means employed being necessary.

[14] 9 Phil. 160.

[15] Ibid, 161.

[16] 9 Phil. 367.

[17] Ibid, 369.

[18] Ibid, 369-370.

[19] 2 Phil. 752.

[20] L-23249, November 25, 1974, 61 SCRA 180.

[21] Other cases that may be cited are *United States vs. Laurel*, 22 Phil. 252 (1912); *United States vs. Patoto*, 28 Phil. 535 (1914); *United States vs. Macasaet*, 35 Phil. 226 (1916); *United State vs. Mojica*, 42 Phil. 784 (1922); *People vs. Tembrevilla*, 44 Phil. 517 (1923).

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.