

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. MANUEL DADIS, DEFENDANT-APPELLANT.

G. R. No. L-21270. November 22, 1966

Ponente: CONCEPCION, C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/c7d36c64b365/>

CONCEPCION, C.J.:

Appeal, taken by defendant Manuel Dadis, from a decision of the Court of First Instance of Camarines Sur, convicting him of the crime of murder and sentencing him to life imprisonment, to indemnify the heirs of the deceased Alfredo Estrelles in the sum of P5,000, without subsidiary imprisonment, in case of insolvency, owing to the nature of the principal penalty, and to pay the costs.

It is not disputed that, while Estrelles was walking near his house, in the barrio of Baliwag, municipality of Lagonoy, province of Camarines Sur, on May 10, 1954, between 7:00 and 8:00 p.m., appellant Dadis had shot him with a rifle, thereby inflicting upon Estrelles two (2) gunshot wounds which caused his death, soon thereafter, in consequence of the resulting profuse acute hemorrhage.

The evidence for the prosecution is to the effect that, as Estrelles was heading towards his aforementioned house, he heard someone nearby say "halt" and then cock his gun; that Estrelles thereby became scared and thereupon began to run away; and that, standing beside a coconut tree, near the road where Estrelles was, Dadis then fired his rifle at Estrelles, with the result already adverted to.

Upon the other hand, the defense introduced evidence to the effect that Estrelles had threatened to shoot Pedro Rivero, according to a complaint filed by the latter; that the chief of police of Lagonoy had, consequently, ordered Dadis, a member of its police force, to proceed to the aforementioned barrio of Baliwag and disarm Estrelles; that, in compliance with this order, Dadis went to Rivero's house in said barrio and asked Rivero about the place where Estrelles could be found; that, having been informed by Rivero that Estrelles was not in his house, a few meters away, and that he probably would show up later, he (Dadis) decided to patrol the vicinity; that, at about 8:00 p.m., he saw Estrelles coming towards him; that, thereupon, he (Dadis) took cover behind a coconut tree and twice bade Estrelles to halt; that Estrelles ignored these warnings and advanced slowly towards Dadis, looking intently at him; that this induced Dadis to believe that he (Estrelles) intended to fight, in view of which Dadis warned him again to halt and fired into the air; and that Estrelles then placed his right hand on the left side of his waist, as if to draw a gun therefrom, whereupon Dadis fired, aiming at his (Estrelles') legs.

The lower court correctly gave no credence to appellant's version, and accepted that of the prosecution. The theory of the defense is contradicted by the positive testimony of Santiago Zamudio to the effect that Estrelles was running away from Dadis when the latter shot him (Estrelles), and we find no plausible reason to doubt the veracity of said witness for the prosecution, who was walking a few paces behind Estrelles, at the time of the occurrence. In fact, said testimony of Zamudio was partly corroborated by Dadis, who admitted having "heard Alfredo Es-trelles run towards his left side".

What is more, said theory is refuted by the location of the injuries found in the body of Estrelles. Indeed, the latter

had two (2) bullet wounds: one, on the left side of his body, at about 15 centimeters below the left axilla, and the other, at the right side of the middle part of his back. The prosecution believes that the latter, or the wound at the back, is the entry wound. Even, however, if the bullet had entered the body of Estrelles through its left side, under the axilla - as surmised in the certificate issued by the President of the Sanitary Division, who made an autopsy of said body, but, did not take the witness stand - this fact shows that Estrelles was not advancing towards Dadis when the latter shot him, for otherwise the entry wound would have been on the anterior part of the former's body, instead of at the left side thereof, below the left axilla.

Contrary to the allegations in the information, we do not believe, however, that the crime committed is qualified by either evident premeditation or treachery. Manifestly, Dadis had not acted with such premeditation in killing Estrelles, he (Dadis) having gone to the scene of the occurrence by order of his administrative superior, to disarm Estrelles. Neither was there treachery in the commission of the offense. Although, while running away, Estrelles had no means of defending himself, Dadis did not purposely take advantage of this circumstance to kill him without any danger to himself (Dadis). Dadis believed that Estrelles was armed with a gun, and the record strongly indicates that such was a fact, although it is certain that he (Estrelles) had not drawn it.

Obviously, Dadis was merely scared, as well, perhaps, as somewhat trigger happy, for which reason, the offense committed is no more than homicide, and the penalty therefor, should be imposed in its medium period, no modifying circumstance having attended the perpetration of the offense.

WHEREFORE, the judgment appealed from should be, as it is hereby modified, and another one shall be entered convicting appellant Manuel Dadis of the crime of homicide, and sentencing him to an indeterminate penalty from 10 years of prision mayor to 17 years of reclusion temporal, with the corresponding accessory penalties, and to indemnify the heirs of the deceased Alfredo Estrelles in the sum of P6,000, as well as to pay the costs.

IT IS SO ORDERED.

Reyes, J. B. L., Barrera, Dizon, Regala, Makalintal, Bengzon, J. P., Zaldivar, Sanchez and Ruiz Castro, 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.