

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. BONIFACIO MONTEROSO AND EUGENIO MONTEROSO, DEFENDANTS AND APPELLANTS.

G.R. No. 10528. January 27, 1916

Ponente: CARSON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-10528/>

CARSON, J.:

We find nothing in the record which would justify us in disturbing the findings of fact by the trial judge upon which he based his conviction of the appellant Bonifacio Monteroso. We agree with the Attorney-General that the evidence does not sustain the plea of self-defense set up by counsel for the accused, but we cannot agree with him in his contention that the trial judge erred in giving this accused the benefit of the extenuating circumstance mentioned in subsection 7 of article 9 of the Penal Code. We think that the evidence fully sustains the finding of the trial judge that this accused acted upon an impulse so powerful as naturally to have produced passion and obfuscation; the indecent conduct of the deceased in publicly placing lascivious hands upon a young woman with whom he was dancing in the house of the accused on a festal occasion was an entirely legitimate and natural cause of the indignation and anger against the deceased which was aroused in the breast of this accused and his sons, and which resulted in a wordy quarrel ending in the fatal assault. Though the misconduct of the deceased did not justify the accused in taking the law into his own hands and physically chastising, much less fatally assaulting the offender, it does sufficiently and satisfactorily explain the passionate indignation in the breasts of the accused and his three sons which precipitated the quarrel. The mere fact that the offended woman was the querida (mistress) of one of the sons of this accused in no wise justified the indecent and lascivious conduct of the deceased, and under all the circumstances, the indignation and resentment it aroused in the breasts of the accused and his sons was the natural, legitimate and by no means censurable outcome of the incident. The facts in this case are clearly distinguishable from those in the case of *United States vs. Hicks* (14 Phil. Rep., 217) wherein the alleged passion and obfuscation of the accused had its origin in jealousy, aroused by the fact that the woman in that case seemed to prefer the profligate attentions of the victim of the assault to those of the assailant, whose anger against his victim was not based on any act of misconduct of which the assailant might legitimately complain.

We are of opinion, however, that while the record discloses that the defendant Eugenio Monteroso joined with his father and his brothers in the quarrel which arose as a result of the misbehaviour of the deceased, it does not conclusively appear that he was a party to the deadly assault of which his father was guilty, or that he had any means of knowing that his father was about to make such an assault. The findings of the trial judge on this point are not wholly satisfactory, and the Attorney-General suggests that giving this accused the benefit of a reasonable doubt, he should be acquitted.

We conclude that the judgment entered in the court below in so far as it convicts and sentences the appellant Bonifacio should be affirmed with his share of the costs of this instance against him, and that the judgment in so far as it convicts and sentences the appellant Eugenio Monteroso should be reversed, with his share of the costs in both instances de officio. This defendant should be and is hereby acquitted of the crime with which he is charged

and will be set at liberty forthwith. So ordered.

Arellano, C. J., Torres, Johnson, Moreland, and Trent, 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.