

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. LORETO AECONADO, ET AL., DEFENDANTS, LORETO ARCONADO, DEFENDANT AND APPELLANT.

G. R. No. 16175. February 28, 1962

Ponente: LABRADOR, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-16175/>

LABRADOR, J.:

This is an appeal from an order of the Court of First Instance of Ilocos Norte, Hon. Delfin B. Flores presiding, denying a petition of the accused-appellant Loreto Arconado for the reopening of the case, to give said appellant opportunity to prove the mitigating circumstance of incomplete self-defense.

The facts leading to the appeal are correctly presented in the brief of the government as follows:

"In the afternoon of November 11, 1958, at about five o'clock, the defendant-appellant, Loreto Arconado, stabbed and killed one, Leoncio Eecacho in Gabu Sur, Laoag, Ilocos Norte. Charged with the crime of homicide, the said Arconado, at first, pleaded not guilty but decided to change it to that of guilty when the date of his trial arrived with the request, however, that he be allowed to present evidence showing the presence of several mitigating circumstances which attended the killing (tsn, pp. 2-5, Aug. 17, 1959). This request was granted by the trial court and appellant was able to prove to the satisfaction of the Court the mitigating circumstances of minority, voluntary surrender in addition to his plea of guilty (tsn. pp. 5, 8-10, 33-34, Aug. 17, 1959). But when appellant further requested to prove the mitigating circumstance of sufficient provocation on the part of the offended party immediately preceding the act, the prosecution objected, and the former had to withdraw his request (tsn, pp. 31-33, Aug. 17, 1959.) The lower court then sentenced appellant to an indeterminate sentence of not less than FOUR (4) MONTHS and ONE (1) day of arresto mayor nor more than four (4) years and TWO (2) MONTHS of prison correccional, to indemnify the heirs of the deceased in the amount of P6,000.00 with subsidiary imprisonment in case of insolvency not to exceed one third (1/3) of the principal penalty and to pay the costs (p. 46, Rec.). Thereafter, appellant filed an Urgent Motion For Reconsideration and later on, a Motion For Reconsideration And For Re-opening both praying that the trial court allow him to prove either the mitigating circumstance of incomplete self-defense or sufficient provocation (pp. 52-57, Rec.). The court denied both motions on the ground that it would be tantamount to making appellant's plea of guilt conditional to allow him to prove the mitigating circumstances aforesaid (pp. 58-59, Rec). Hence, the present appeal." (pp. 1-3, Brief for the plaintiff-appellee).

In order to understand the merits of the appeal, the facts and circumstances leading to the prosecution of the accused-appellant Loreto Arconado may be briefly stated as follows: On the 11th day of November 1958, between five o'clock and six o'clock in the afternoon, eight individuals were talking together on a place west of the house of one Francisco Ragasa, barrio No. 35, Gabu Sur, Laoag, Ilocos Norte. While they were together and talking to each other, Leoncio Racacho came to the group saying in Ilocano words meaning "Vulva of your mother, all of you." (Vulva de su madre, in Spanish). He continued repeating these indecent words at the group and one of them, Manuel Ramos, thought that Racacho was just joking, but Racacho went further than that; he approached one by the name of Aning who tried to evade him. Racacho then hit Manuel Ramos with his fist and

then assaulted still another, Juan Ragat. When Pedro Rabur noticed that Racacho was assaulting Juan Ragat he pulled Racacho away, but as Rabur went back to get his fighting cock Racacho approached Luis Arconado, father of the accused-appellant, throwing sand at Luis.

It so happened that the accused-appellant Loreto Arconado had come to call for his father Luis Arconado; but as soon as he reached his father's place he was embraced by Racacho. The appellant objected saying that he was not to blame for anything and a fight ensued between Racacho and appellant, as a result of which Rachacho later was stabbed by the appellant. The above incidents are contained in the affidavits attached to the complaint. The persons who subscribed to the affidavit were among those actually present and witnessed the coming of Racacho to the group and his assault on many of them.

As indicated in the statement of the Solicitor General above-quoted, when appellant asked that he be allowed to plead guilty, his counsel expressed his intention of proving certain mitigating circumstance; but as soon as he had finished proving the mitigating circumstances of minority and voluntary surrender, and as he started proving the mitigating circumstance of unlawful aggression or incomplete self-defense, the judge ordered him to stop. Out of respect for the judge he desisted from continuing and waited until the judge rendered its judgment.

On the day following the decision attorney for the accused-appellant filed his motion praying the court that his order prohibiting the further presentation of evidence of mitigating circumstances be reconsidered and that accused-appellant be given the opportunity to establish the additional mitigating circumstance either of incomplete self-defense or sufficient provocation or threat on the part of the offended party immediately preceding the act. The motion was opposed by the fiscal and the court thereupon issued the order denying the petition for opportunity of accused-appellant to introduce the evidence of the additional mitigating circumstance of incomplete self-defense. The court reasoned out that the plea of guilty entered by the accused-appellant relieved the prosecution from proving the allegations of the information; that if the accused-appellant were allowed to prove self-defense or sufficient provocation or threat on the part of the deceased such a case would no longer be consistent with the plea of guilty entered by the accused-appellant.

It is true that the discretion is lodged with the trial court to permit or not submission of evidence of mitigating circumstances, after a plea of guilty has been entered. But such discretion must be exercised in accordance with the facts and circumstances of the case and said discretion should not be used to prevent the disclosure of circumstances that would mitigate in any manner the responsibility of the accused who has pleaded guilty. In the case at bar the records show that some of the mitigating circumstances composing that of incomplete self-defense, attended the commission of the crime and the aims of justice would not be subserved by the denial of the motion to submit evidence of the said, mitigating circumstances. The rules of procedure were not designed to curtail the disclosure of the real facts, especially of mitigating circumstances, that the criminal law may be applied with justice and fairness both to the prosecution and to the accused. Were we to make the discretion of the judge in matters like the case at bar absolute, no accused would be induced to enter a plea of guilty and thereby abbreviate in a way the proceedings and especially the trial of the case. When, as in the case at bar, the facts and circumstances, as appearing in the record itself, justify the claim of the mitigating circumstance of incomplete self-defense, we believe it was error for the trial court to deny the privilege to submit evidence thereof.

Wherefore, the order appealed from is hereby set aside and the case is remanded to the court below for the admission of the preferred evidence of the mitigating circumstance of incomplete self-defense, in accordance with this opinion. Without costs. So ordered.

Bengzon, C. J., Padilla, Bautista Angelo, Concepcion, Reyes, J. B. L., Barrera, Paredes, Dizon, and De Leon, 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.