

LADISLAO ESPINOSA, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

G.R. No. 181071. March 15, 2010

Ponente: PEREZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-181071/>

PEREZ, J.:

The Case

This case comes before this Court as an appeal, by way of a Petition for Review on Certiorari under Rule 45 of the Rules of Court, from the Decision[1] of the Court of Appeals affirming the conviction of herein petitioner, Ladislao Espinosa, for the crime of Serious Physical Injuries under the third paragraph of Article 263 of the Revised Penal Code.[2] The dispositive portion of the assailed decision reads:

WHEREFORE, the Decision of the Regional Trial Court of Iba, Zambales, Branch 71 dated 30 March 2005, finding appellant Ladislao Espinosa GUILTY beyond reasonable doubt of the crime of SERIOUS PHYSICAL INJURIES is AFFIRMED with the MODIFICATION that he will suffer the straight penalty of six (6) months of Arresto Mayor and pay the amount of P54,925.50 as actual damages.

With costs against accused-appellant.

The Facts

The undisputed facts of the case, as found by the Regional Trial Court, and as confirmed by the Court of Appeals on appeal, may be so summarized:

On 6 August 2000, at about 10 o'clock in the evening, private complainant Andy Merto, bearing a grudge against the petitioner, went to the house of the latter in the Municipality of Sta. Cruz, Zambales. While standing outside the house, private complainant Merto shouted violent threats, challenging the petitioner to face him outside.

Sensing the private complainant's agitated state and fearing for the safety of his family, petitioner went out of his house to reason with and pacify Merto. However, as soon as he drew near the private complainant, the latter hurled a stone at the petitioner. The petitioner was able to duck just in time to avoid getting hit and instinctively retaliated by hitting the left leg of the private complainant with a bolo scabbard. The private complainant fell to the ground. Petitioner then continuously mauled the private complainant with a bolo scabbard, until the latter's cousin, Rodolfo Muya, restrained him.[3]

As a consequence of the incident, private complainant Merto sustained two (2) bone fractures, one in his left leg and another in his left wrist. It took about six (6) months for these injuries to completely heal.[4]

On 22 September 2000, petitioner was originally charged with Frustrated Homicide, under an Information[5] which reads as follows:

That on or about the 6[th] day of August 2006 at about 10 o'clock in the evening, at Brgy. Pagatpat, in the Municipality of Sta. Cruz, Province of Zambales, Philippines and within the jurisdiction of this Honorable

Court, the said accused, with treachery, evide[nt] premeditation and intent to kill, did then and there willfully, unlawfully and feloniously, assault, attack and hack several times one Andy Merto, thereby inflicting upon the latter the following physical injuries, to wit:

- Fracture open III A P/3 Tibia left secondary to Hacking Wound;
- Incised wound, wrist joint with Incised Extensor Pollicis Brevis Tendon, Left S/P F Debridement Right Wrist S/P Long Circular Cast, Left

thus performing all the acts of execution which would produce the crime of murder as a consequence, but nevertheless, did not produce it by reason of causes independent of his will, that is by the timely and able medical assistance rendered to said Andy Merto which prevented his death.

CONTRARY TO LAW.

Petitioner pleaded not guilty, and trial thereafter ensued.

On 14 December 2004, the Regional Trial Court of Iba, Zambales, Branch 71, convicted petitioner only of Serious Physical Injuries under the third paragraph of Article 263 of the Revised Penal Code, noting that the prosecution had failed to prove the element of "intent to kill," which is necessary to a conviction for Frustrated Homicide. The dispositive[6] portion of the ruling reads:

WHEREFORE premises considered, judgment is rendered finding accused Ladislao Espinosa GUILTY beyond reasonable doubt of the crime of Serious Physical Injuries defined and penalized under Art. 263, paragraph 3 of the Revised Penal Code and is hereby sentenced [to] suffer the penalty of six (6) months of Arresto Mayor as minimum to two (2) years, eleven (11) months and ten (10) days of prision correccional as maximum. Accused is ordered to pay private complainant Andy Merto the amount of P54,925.50 as and by way of actual damages.

Undeterred, petitioner filed a Motion for Reconsideration dated 7 February 2005, before the trial court, invoking for the first time complete self-defense, under the first paragraph of Article 11 of the Revised Penal Code. In a Resolution[7] dated 30 March 2005, the trial court denied petitioner's motion for reconsideration holding that self-defense cannot be appreciated to justify the act of petitioner. The trial court cites the means adopted by the petitioner in repelling the attack as not reasonably necessary in view of the surrounding circumstances and the severity of the victim's injuries.

On appeal, the Court of Appeals affirmed the judgment of conviction with the modification that the penalty imposed by the trial court should be lowered by one degree in accordance with the privileged mitigating circumstance of incomplete self-defense under Article 69[8] of the Revised Penal Code. Consequently, the Motion for Reconsideration[9] filed by the petitioner was also denied by the Court of Appeals via a Resolution[10] dated 4 January 2008.

Hence, this appeal.

The Issue

The sole issue raised in this appeal is whether under the set of facts given in this case, complete self-defense may be appreciated in favor of the petitioner.

The Ruling of the Court

The Court rules in the negative.

The requirements of self-defense as a justifying circumstance are found in the first paragraph of Article 11 of the Revised Penal Code, to wit:

Article 11. Justifying circumstances. - The following do not incur any criminal liability:

1. Anyone who acts in defense of his person or rights, provided that the following requisites concur:

First. Unlawful aggression;

Second. Reasonable necessity of the means employed to prevent or repel it;

Third. Lack of sufficient provocation on the part of the person defending himself.

In their decisions, both the trial court and the Court of Appeals found that the first and third elements of self-defense are present in the case at bar. This finding was never questioned by either of the parties and, as such, may be taken as established for purposes of this appeal. Nonetheless, to dispel any doubts, the Court hereby affirms the existence of the first and third elements of self-defense, based on the following reasons:

First, unlawful aggression on the part of private complainant Merto was manifested by his attack upon the person of the petitioner in throwing a stone at the latter. This sudden and unexpected assault posed actual danger on the life or limb of the petitioner, prompting the latter to take steps in his defense. To the mind of the Court, this is an offensive positively strong enough to be the basis for a defensive action.

Second, there is lack of sufficient, if not total absence of, provocation on the part of the petitioner. The facts are clear that it is private complainant Merto who invited the confrontation with petitioner--by shouting violent threats at the latter.

The argumentation is on the existence of the second element, i.e., reasonable necessity of the means employed to prevent or repel the unlawful aggression. The trial court and the Court of Appeals were in agreement that the means employed by the petitioner in conducting his defense is disproportionate to what was necessary to prevent or deter the attack of private complainant Merto.

In arguing that the means employed was reasonable to repel the unlawful aggression, the petitioner invokes the application of the "doctrine of rational equivalence," delineated in *People v. Gutual*,^[11] to wit:

x x x It is settled that reasonable necessity of the means employed does not imply material commensurability between the means of attack and defense. What the law requires is rational equivalence, in the consideration of which will enter the principal factors the emergency, the imminent danger to which the person attacked is exposed, and the instinct, more than the reason, that moves or impels the defense, and the proportionateness thereof does not depend upon the harm done, but rests upon the imminent danger of such injury. (Emphasis supplied)

Tersely put, petitioner contends that the trial court and the Court of Appeals erred in citing the severity of the injuries sustained by private complainant Merto, as an indicator that belies the reasonableness of the means adopted by the former to repel the attack of the latter. Instead, petitioner wants to place emphasis on the fact that he merely acted out of instinct and that he used a bolo scabbard--as opposed to using the bolo itself--in incapacitating the private complainant.

The Court is not impressed.

The very application of the doctrine of rational equivalence, invoked by the petitioner, militates against his claim. The doctrine of rational equivalence presupposes the consideration not only of the nature and quality of the weapons used by the defender and the assailant--but of the totality of circumstances surrounding the defense

vis-à-vis, the unlawful aggression.

Significantly, a perusal of the facts shows that after petitioner was successful in taking down private complainant Merto--the former continued to hack the latter, who was, by then, already neutralized by the blow. This fact was clearly established by the testimony of Rodolfo Muya, who recounted having seen the petitioner continuously hacking the private complainant with the bolo scabbard, even as the latter lay almost motionless upon the muddy ground.[12] Clearly, this "continuous hacking" by the petitioner constitutes force beyond what is reasonably required to repel the private complainant's attack--and is therefore unjustified.

People v. Beltran, Jr.,[13] which also involves repetitious hacking by the accused even after the aggressor had been neutralized, is especially instructive:

The act of appellant in repeatedly hacking Norman on his head and neck was not a reasonable and necessary means of repelling the aggression allegedly initiated by the latter. As stated earlier, no convincing evidence was presented to show that Norman was armed with an ice-pick at the time of the incident. In fact, no ice-pick was found in the crime scene or in the body of the victim. There was also no proof showing that Norman attempted to stab appellant or tried to barge into the latter's house. Granting *arguendo* that Norman was armed with an ice-pick, the repeated hackings were not necessary since he can overpower or disable Norman by a single blow on non-vital portion/s of his body.

Again, as correctly observed by the OSG, had the appellant merely wanted to protect himself from what he perceived as an unlawful aggression of Norman, he could have just disabled Norman. When Norman fell on the ground, appellant should have ceased hacking the former since the alleged aggression or danger no longer exists. By appellant's own testimony, however, he hacked Norman with his bolo even when the latter was already lying on the ground. It appears, therefore, that the means used by appellant, which were simultaneous and repeated hackings, were adopted by him not only to repel the aggression of Norman but to ensure the latter's death. In sum, such act failed to pass the test of reasonableness of the means employed in preventing or repelling an unlawful aggression. (Emphasis supplied)

Notwithstanding the fact that the petitioner merely used a scabbard in fending off the unlawful aggression--the totality of the circumstances shows that after the aggressor was taken down to the ground, the petitioner ceased to be motivated with the lawful desire of defending himself. He was, by then, acting with intent to harm the private complainant whose aggression had already ceased.

Finally, in trying to disprove the testimony of Rodolfo Muya that there was "continuous hacking," the petitioner also posits that the injuries sustained by the private complainant could not have been serious enough to be the product of repeated hacks, and claims that the same are merely a product of a single blow. This contention has had ample study and consideration in the trial court and in the Court of Appeals. It deserves no further ado.

As to whether the fractures suffered by the private complainant resulted from a single blow or a product of multiple hackings is a question of fact best left to the judgment of the trial court. It is a well-settled principle that factual findings of the trial court--especially if already affirmed by an appellate court--are binding and conclusive upon this Court, save only for certain compelling reasons which are absent in this case.[14] Hence, the Court refuses to disturb the facts, and defers to the determination of the Regional Trial Court and of the Court of Appeals.

WHEREFORE, the instant appeal is DENIED for lack of merit. Accordingly, the appealed Decision of the Court of Appeals, dated 25 September 2007, in CA-G.R. CR No. 29633 is hereby AFFIRMED IN TOTO. No pronouncement as to costs.

SO ORDERED.

Carpio, (Chairperson), Brion, Del Castillo, and Abad, JJ., concur.

[1] Penned by Associate Justice Marlene Gonzales-Sison with Associate Justices Juan Q. Enriquez, Jr. and Vicente S.E. Veloso concurring. Rollo, pp. 28-48.

[2] Act No. 3185, as amended.

[3] Rollo, pp. 32-33.

[4] Id. at 30-31.

[5] Id. at 52-53.

[6] Id. at 76.

[7] Id. at 77-81.

[8] Article 69 of the Revised Penal Code provides:

Article 69. Penalty to be imposed when the crime committed is not wholly excusable. - A penalty lower by one or two degrees than that prescribed by law shall be imposed if the deed is not wholly excusable by reason of the lack of some of the conditions required to justify the same or to exempt from criminal liability in the several cases mentioned in Articles 11 and 12, provided that the majority of such conditions be present. The courts shall impose the penalty in the period which may be deemed proper, in view of the number of the nature of the conditions of exemption present or lacking.

[9] Filed on 15 October 2007. Rollo, pp. 110-118.

[10] Id. at 50-51.

[11] 324 Phil. 244, 259-260 (1996).

[12] Rollo, pp. 32-33.

[13] G.R. No. 168051, 27 September 2006, 503 SCRA 715, 734.

[14] Republic v. Casimiro, G.R. No. 166139, 20 June 2006, 491 SCRA 499, 523.

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.