THE PEOPLE OF THE PHILIPPINE ISLANDS, PLAINTIFF AND APPELLEE, VS. ANTONIA PATRICIO, DEFENDANT AND APPELLANT.

G.R. No. 20651. October 25, 1923

Ponente: STREET, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/g-r-no-20651/

STREET, J.:

The appeal in case No. 20651 has been brought to reverse a judgment of the Court of First Instance of the Province of Tarlac, in case No. 2837 of said court, finding the appellant, Antonia Patricio, guilty of the offense of parricide, and sentencing her to undergo the penalty of reclusion perpetua, with the accessories prescribed in article 55 of the Penal Code, and to pay the costs of prosecution. The appeal in case No. 20652 has been brought to reverse a judgment of the same court in. case No. 2868, declaring the appellants Jose Malgana and Antonina Manangan accomplices in the crime of simple homicide, and sentencing them to undergo imprisonment for eight years and one day, prision mayor, with the accessories prescribed in article 61 of the Penal Code, and jointly and severally to indemnify the heirs of Bonifacio Malgana in the sum of P1,000, and severally to pay proportional costs of prosecution.

Both of these prosecutions are based upon the unlawful killing of Bonifacio Malgana, in which offense all of the appellants participated in the manner and to the extent presently to be described; and both causes have been submitted in this court with combined briefs on the part of both prosecution and defense. The two cases will therefore be dealt with by us in a single opinion.

It appears in evidence that prior to December 17, 1922, the deceased, Bonifacio Malgana, was living with his wife, the appellant Antonia Patricio, in the barrio of Balaoang, of the municipality of Paniqui, in the Province of Tarlac. The relations between the two spouses were not happy; and the wife, of the age of twenty-three years, had established illicit relations with Jose Malgana, of the age of twenty-one, and said to be her nephew, although probably such only by marriage. As was but natural under these circumstances, Antonia entertained a deep aversion to her husband, Bonifacio Malgana, a feeling which was shared by Antonia's mother, one Antonina Manangan, likewise an appellant in the second of the causes now before us; and the two conspired together to procure Bonifacio's destruction. To this end the two women, on a certain day near the middle of December, 1922, came to the house of Marcelo Miguel, a laborer residing in the same barrio, and called for Marcelo. He happened to be away at the time but they awaited his return; and upon his arrival Antonia proposed, in the presence and hearing of Antonina Manangan, to give him the sum of P20 if he would kill her husband. Marcelo refused to entertain the proposition, one reason being that Bonifacio was Marcelo's uncle, and he says that he naturally had scruples about killing a kinsman. However, the interview made its impression upon Marcelos's mind and upon seeing Antonia three or four days later at the house of a friend where a death had occurred, Marcelo inquired of her where Bonifacio then was. Antonia replied that he had gone to Camiling to harvest palay. Not altogether reassured by this statement and fearing that Bonifacio had been foully dealt with, Marcelo communicated his suspicions to Respicio Garbin. The latter told Bonifacio Ipabiado, who in turn communicated with the officer in charge of a Constabulary detachment then in Paniqui, Tarlac. An investigation was thereupon made which

resulted in the arrest of four persons upon suspicion of murder, namely, Antonia Patricio, Antonina Manangan, Jose Malgana, and Domingo Bestro. Bestro presently confessed and revealed the facts connected with the murder. Acting upon this information the proper authorities went to the house where Bonifacio Malgana had lived and the body of the deceased was exhumed at the spot that had been indicated by Domingo Bestro as the place of burial in the back yard. Upon this occasion all four of the suspects were present and they all admitted then, as well as upon other occasions, the fact that Bonifacio Malgana had been killed by them.

The material facts relating to the commission of the deed are few, and they are these: On the morning of December 17, 1922, which was Sunday, Jose Malgana and Domingo Bestro left the place where they lived together in the barrio of Balaoang and went to the home of Bonifacio Malgana, the deceased, where they remained during the day in the company of Antonina Manangan, Antonia Patricio and the deceased. When night came the deceased lay down and went to sleep, but the other four remained awake until about midnight when they approached, and killed the sleeper. Antonia Patricio began the deadly work by slipping a muffler around the victim's neck, after which she proceeded to strangulate him by drawing forcibly upon the ends. Meanwhile Jose Malgana violently pulled and mashed the testicles of the deceased, and Antonina Manangan and Domingo Bestro held his feet and head, respectively. Life was soon extinct, and the body was buried near the house before daylight, in an improvised grave in which the deceased was placed in a sitting posture. The hole was then filled with dirt and covered with debris, which was burned. Finally green plants were set around or over the spot in order to remove all signs of disturbance of the ground. When the body of the deceased was exhumed a week later it was examined by a sanitary officer and showed evident signs of strangulation and of violent injury to the testicles.

In view of the repeated confessions of the several accused, corroborated by the discovery of the body upon information given by Domingo Bestro, and other circumstances, the guilt of the four accused persons is put beyond the possibility of doubt; and it is equally clear that all four participated as principals in the killing. Each of the four made written confessions which were acknowledged by them severally before the justice of the peace. The trial judge quite unnecessarily ruled these confessions out on the ground that they had not been signed by the declarants in the presence of the justice of the peace as stated in his jurat; but the repeated oral admissions are more than sufficient. Domingo Bestro, who was used as a witness for the prosecution, and against whom the information was dismissed upon the motion of the fiscal in order that he might be thus used, naturally minimizes the extent of his own participation in the crime. But we are not here concerned with his case.

The crime committed by Antonia Patricio is that of parricide, in the commission of which are to be appreciated the aggravating circumstances of known premeditation, treachery, nocturnity and the abuse of superior strength. The crime committed by Antonina Manangan and Jose Malgana cannot be denominated parricide, though they cooperated as principals in the killing of a person whom they knew to be the husband of their coaccused, Antonia Patricio; for it is established doctrine that a stranger who participates in the perpetration of parricide is not guilty of parricide but only of murder or homicide according to the factors present in the offense. (Decision of the supreme court of Spain of March 11, 1887, 3 Viada, 8; 2 Hidalgo, Penal Code, 143.) The crime committed by Antonina Manangan and Jose Malgana is therefore that of murder, qualified by treachery, in the commission of which are to be appreciated, as to both of these accused, the aggravating circumstances of nocturnity, abuse of superior strength, and that the offense was committed in the dwelling of the deceased; and as to Antonina Manangan is further to be appreciated the circumstance of known premeditation, since she accompanied Antonia Patricio on the mission to hire Marcelo Miguel to kill the deceased.

We are not unmindful of the fact that, upon a close appreciation of the aggravating circumstances present in this offense, nocturnity might be considered to be sufficiently appreciated in the circumstance of treachery; but we

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

consider this refinement out of place in connection with one of the most atrocious crimes that has ever come to our notice. But even if the circumstance of nocturnity were ignored the result would not be changed.

In view of the character of the acts which are the subject of prosecution in this case and the formidable array of aggravating elements attendant upon the offense, all of the appellants merit the highest punishment which the law imposes; and the Attorney-General accordingly recommends that all be sentenced to death. In this view the Chief Justice and Justices Johnson, Street, Avanceña, and Romualdez concur; but inasmuch as Justices Malcolm, Villamor, and Johns do not approve the imposition of the death penalty, it is necessary to impose on all of the appellants the appropriate penalty next below that of death, as required by Act No. 2726 of the Philippine Legislature.

For the reasons stated the judgment in case G. R. No. 20651, sentencing Antonia Patricio to undergo the penalty of reclusion perpetua, with the accessories prescribed in article 55 of the Penal Code, will be affirmed with costs; but the judgment in case G. R. No. 20652, adjudging Jose Malgana and Antonina Manangan to be merely accomplices in the crime of simple homicide will be reversed and in lieu thereof both are declared to be guilty of murder, and Jose Malgana will be sentenced to undergo the penalty of cadena perpetua, and Antonina Manangan to undergo the penalty of reclusion perpetua, each with the appropriate accessory penalties, and they will be required jointly and severally to indemnify the heirs of the deceased in the sum of P1,000 and to pay their respective proportion of the costs of both instances. So ordered.

Araullo, C.J., Johnson, Avanceña, Malcolm, Villamor, Johns, and Romualdez, JJ., concur.

Study hands-free: podcast-style lessons with read-along highlighting - batas.org

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.