

THE PEOPLE OF THE PHILIPPINE ISLANDS, PLAINTIFF AND APPELLEE, VS. ANTONIO AMANTE, DEFENDANT AND APPELLANT.

G.R. No. 22718. December 13, 1924

Ponente: ROMUALDEZ, J.

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ROMUALDEZ, J.:

This is an appeal taken by the defendant from a judgment of the Court of First Instance of Oriental Negros, convicting him of the crime of homicide, and sentencing him to fifteen years reclusion temporal, with the accessories provided by law, and to indemnify the heirs of the deceased Feliciano Tuig in the sum of P1,000, with the costs. The appellant assigns several errors, among which is the fact of the trial court not having held that he acted in lawful self-defense.

The Attorney-General recommends the acquittal of the defendant, holding that the self-defense pleaded by him to justify the act was proven.

The evidence sufficiently shows that the appellant, without any provocation on his part, was assaulted by the deceased whom he wounded on the hands with the bolo which he had succeeded in wresting from the deceased during the fight; and that when the accused wounded Feliciano Tuig, he was already lying on the ground wounded on the right foot and the left shoulder, and said Tuig continued to assault him, striking him with his fist several times.

As to the reasonable necessity of the means employed by the accused to repel the aggression of the deceased, there is at least a reasonable doubt, the benefit of which must be, and is hereby, given the accused.

The judgment appealed from is reversed, and the appellant acquitted with the costs de oficio and other favorable pronouncements. So ordered.

Johnson, Street, Malcolm, Avanceña, Villamor, and Johns, JJ., concur.

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