

THE PEOPLE OF THE PHILIPPINE ISLANDS, PLAINTIFF AND APPELLEE, VS. GABRIEL DE LOS ANGELES, DEFENDANT AND APPELLANT.

G.R. No. 22803. December 22, 1924

Ponente: STATEMENT As a result of a preliminary investigation by the justice of the peace, the provincial fiscal filed an information against the defendant in the Court of First Instance of Iloilo charging him with the crime of homicide in the killing of Aniano Tijam. After the taking of some evidence the judge directed the fiscal to file an information against the defendant charging him with the crime of murder, and in compliance with that order, the following information was filed: "The undersigned provincial fiscal of Iloilo accuses Gabriel de los Angeles of the crime of murder committed as follows: "That on or about December 29,1923, in the municipality of Ajuy, Province of Iloilo, Philippine Islands, the aforesaid accused did intentionally, maliciously and criminally and with treachery assault and stab Aniano Tijam, inflicting a mortal wound on his back, as a result of which said Aniano Tijam died on March 3, 1924. Contrary to law." When the defendant was arraigned upon the last information, he plead not guilty and interposed the defense of double jeopardy, which the court overruled and to which an exception was duly taken. As a result of the trial the lower court found the defendant guilty of the crime of murder and sentenced him to life imprisonment, to indemnify the heirs of the deceased in the sum of P1,000, with the accessory penalties, and to pay the costs. From this sentence the defendant appeals, contending that the trial court erred in holding, after the accused had plead not guilty, that the information for homicide should be dismissed, and in directing the fiscal to file another one for the crime of murder and in denying the petition of the defendant for a preliminary investigation for the higher crime, and in holding that the accused was not in double jeopardy, and in finding that alevosia existed in the commission of the crime and in construing the evidence and in finding the defendant guilty of the crime charged, and in failing to find that he was not guilty. JOHNS, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-22803/>

STATEMENT

As a result of a preliminary investigation by the justice of the peace, the provincial fiscal filed an information against the defendant in the Court of First Instance of Iloilo charging him with the crime of homicide in the killing of Aniano Tijam. After the taking of some evidence the judge directed the fiscal to file an information against the defendant charging him with the crime of murder, and in compliance with that order, the following information was filed:

"The undersigned provincial fiscal of Iloilo accuses Gabriel de los Angeles of the crime of murder committed as follows:

"That on or about December 29,1923, in the municipality of Ajuy, Province of Iloilo, Philippine Islands, the aforesaid accused did intentionally, maliciously and criminally and with treachery assault and stab Aniano Tijam, inflicting a mortal wound on his back, as a result of which said Aniano Tijam died on March 3, 1924. Contrary to law."

When the defendant was arraigned upon the last information, he plead not guilty and interposed the defense of double jeopardy, which the court overruled and to which an exception was duly taken. As a result of the trial the

lower court found the defendant guilty of the crime of murder and sentenced him to life imprisonment, to indemnify the heirs of the deceased in the sum of P1,000, with the accessory penalties, and to pay the costs. From this sentence the defendant appeals, contending that the trial court erred in holding, after the accused had plead not guilty, that the information for homicide should be dismissed, and in directing the fiscal to file another one for the crime of murder and in denying the petition of the defendant for a preliminary investigation for the higher crime, and in holding that the accused was not in double jeopardy, and in finding that alevosia existed in the commission of the crime and in construing the evidence and in finding the defendant guilty of the crime charged, and in failing to find that he was not guilty.

JOHNS, J.:

Numerous questions have been presented on this appeal, but under our view of the case, many of them are immaterial. Suffice it to say that the evidence is not sufficient to prove the existence of alevosia. Assuming that the evidence for the prosecution is true, it tends to show that the defendant stabbed the deceased in a sudden heat of passion, which was caused by a slurring remark which the deceased made to the defendant after reading the letter which the defendant delivered to Pedro Babor. It is very apparent that the anger of the defendant was aroused by the remark of the deceased, and that the defendant stabbed the deceased in a sudden heat of passion. Hence, the crime is homicide and not murder.

The questions then of the failure of the court to order a new investigation and the plea of former jeopardy are not immaterial.

The evidence shows that there was more or less of a bitter feeling between the defendant and the deceased growing out of a membership in some secret society. That the defendant anticipated trouble and thought that he was more or less in danger, and it was for such purpose that he applied for and obtained the letter in question to obtain official protection for himself.

If the testimony for the defense is true, it would result in an acquittal. But as we analyze the record, the defendant's theory is not reasonable or plausible. Under our view of the case, the defendant is guilty of the crime of homicide without any extenuating or mitigating circumstance, and in the minimum of the medium degree. The judgment of the lower court is modified, and the defendant is found guilty of the crime of homicide and sentenced to fourteen years, eight months and one day of reclusion temporal, to indemnify the heirs of the deceased in the sum of P1,000, and to pay the costs.

Johnson, Avancena, Villamor, and Ostrand, JJ., concur.

Street, J., reserves his vote.

CONCURRING AND DISSENTING OPINION

ROMUALDEZ, J., with whom concurs MALCOLM, J.:

I concur in that the crime proven is homicide only. I believe, however, that there must be taken into consideration the provocation on the part of the deceased, as a mitigating circumstance, and that the penalty must be only twelve years and one day of reclusion temporal. I believe, moreover, that the trial court erred in denying the accused the preliminary investigation expressly applied for upon the second complaint, which is for murder, although after this court has classified the crime as homicide, such an error ceased to be prejudicial to the accused, since an investigation was made upon the first complaint which was for homicide only.

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.