

THE PEOPLE OF THE PHILIPPINE ISLANDS, PLAINTIFF AND APPELLEE, VS. GRACIANO PALALON, DEFENDANT AND APPELLANT.*G. R. No. 25302. July 31, 1926*

Ponente: OSTRAND, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-25302/>**OSTRAND, J.:**

This is an appeal from a judgment of the Court of First Instance of Oriental Negros, declaring the appellant guilty of the crime of homicide and sentencing him to suffer twelve years of reclusion temporal, with the accessory penalties, to indemnify the heirs of the deceased in the sum of P1,000, and to pay the costs.

It appears from the evidence that the defendant in the morning of the 20th day of July, 1925, was acting as one of the foremen on the plantation of Andres Mendiola in Basac, municipality of Bais, Oriental Negros, and was in charge of a small group of children, among whom was the the deceased Roman Megio, gathering and piling sugar cane, Roman, who was a boy 10 years of age, was sitting down resting and did not display the activity expected by the accused and was reprimanded by the latter and ordered to work. The defendant was treated in an insolent manner by the boy, who said: "Why do hurry me ? Are you the one who pays my wages? You are cross-eyed." The defendant lost his temper and struck the boy on the mouth with the back of his hand. According to the testimony of the witnesses for the prosecution the boy fell on his back on a tramway rail, with his nose and mouth bleeding; the witnesses for the defense, on the other hand, state that he did not fall down; that his mouth did not bleed; and that the incident occurred at a considerable distance from the tramway.

Notwithstanding the blow the deceased continued to work on the plantation until about 2 o'clock in the afternoon of the following day, when he was taken sick with fever and was after some delay carried home by his father. Two and one-half days later he died.

There is no question as to the fact that the defendant struck the deceased a blow on the mouth. But it is extremely doubtful that the blow either directly or indirectly caused the death. It is not denied that fever was prevalent in the locality in July, 1925, and it is quite probable that the death of the deceased was due entirely to natural causes. The theory of the prosecution is that the deceased, in falling down, received fatal internal injuries, and bases its conclusions on the testimony of Dr. Jose V. Valero, who stated in substance that he examined the body of the deceased on the day following the death and found ecchymosis on the right shoulder and on the stomach and that, as a result of the former, there was a congestion of the right lung, which was the principal cause of the death; that the blows causing the ecchymosis must have been of such force as to have made its effect felt immediately; and that the victim could not have continued working.

No proper autopsy of the body was made, and through the testimony of the boy's father and that of the witnesses for the defense, it has been proven conclusively that the deceased, contrary to the doctor's theory of the case, continued to work for more than a day after he received the blow. The ecchymosis testified to by the doctor may have been nothing but suggillations or "death spots" formed after the death; the fact that the marks were found both on the stomach and on the back of the deceased so indicates. Upon this subject Wharton and Stille say:

" * * * As the blood settles by gravity into the dependent parts of the body, new color changes, due to this hypostasis and diffusion of the blood from the blood vessels into the surrounding tissues, take place. The dependent tissues in from three to ten hours begin to show spots of purplish or bluish discoloration, and to become edematous. The areas where pressure is exerted, as by creases in the clothing, remain pale. Tourdes claims that these spots may be made to disappear if the position of the body is changed at the end of four hours; then the spots will be found in the parts that, after the change of position, become dependent. After twelve to fifteen hours the areas that at first showed hypostatic discolorations may, if the body be turned, grow pale, but they do not disappear. And after thirty hours the primary hypostatic discolorations may grow pale, but secondary spots will not be formed in other places. These hypostatic changes probably take place in all bodies, though they are less marked in the bodies of persons who have died of hemorrhage or from some other cause of depletion, as in the cases of cholera. The appearance of these spots may possibly lead to the suspicion that they have been caused by injuries before death, which have led to ecchymosis; but the hypostatic spots, if incised, allow of the escape of merely bloodstained serum, not fluid blood or blood clots; while, if the spot has been caused as an ecchymosis, there will be found traces of fluid blood or clots, which could not have been formed post mortem except in the veins." (Wharton & Stille's Medical Jurisprudence, 5th ed., vol. III, sec. 401.)

In the present case the examination of the body took place over twenty-four hours after the death and appears to have been very incomplete; no incisions were made and the examining physician, a young man of limited experience, admitted that his conclusions were partly based upon the statements of the members of the family of the deceased. In these circumstances the conclusions cannot have been much more than mere guesses. In this connection we may say that in cases of death under suspicious circumstances it is the duty of the physician performing the post mortem examination to exercise the utmost care and not draw unwarranted conclusions from external appearances susceptible of different interpretations.

In our opinion there is more than a reasonable doubt as to the cause of the death of the deceased, and the appellant must therefore be acquitted of the charge of homicide. He might perhaps be convicted of lesiones. under article 588 of the Penal Code, the maximum penalty for which is fifteen days of *arresto menor*, but it appears from the record that he has been detained in prison for a period much in excess of that penalty and it is therefore unnecessary to provide for further punishment.

The judgment appealed from is reversed and the defendant-appellant is hereby acquitted of the crime charged in the information, with the costs de oficio. So ordered.

Avanceña, C. J., Street, Villamor, Johns, Rormialdez, and Villa-Real, 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.