

THE PEOPLE OF THE PHILIPPINE ISLANDS, PLAINTIFF AND APPELLEE, VS. FLORENTINO SORIANO, DEFENDANT AND APPELLANT.

G.R. No. 26539, March 30, 1927

Ponente: MALCOLM, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-26539/>

MALCOLM, J.:

This case has its origin in the Constabulary riot at San Fernando, Pampanga, on the night of May 23, 1926, in which five persons were killed and eleven others were wounded. Specifically, it relates to the charge of murder against Florentino Soriano for having caused the death of Simeon Selga, a companion in the Constabulary. The findings of fact made by trial Judge Reyes held the accused guilty as charged. The judgment was that the accused be sentenced to life imprisonment, cadena perpetua, with the accessory penalties, to indemnify the heirs of Simeon Selga in the sum of P1,000, and to pay the costs. The two assessors who sat with the trial judge apparently agreed with this conclusion.

From the above-mentioned judgment, the accused has appealed to this court. On his behalf, four errors have been assigned and argued. They relate principally to the credibility of the witnesses and the sufficiency of the proof. Counsel asks us to acquit Florentino Soriano.

Florentino Soriano was the Constabulary soldier who left the dance hall where the trouble began, and proceeded directly to the Constabulary barracks. There he secured his weapon and ammunition, and returned to the cabaret. Other Constabulary soldiers in uniform had also turned out, some of them possibly with evil purposes, and others with the good intention of quelling the riot. Among the soldiers was one by the name of Simeon Selga. Florentino Soriano shot at him and wounded him so severely that not long after he died.

While Simeon Selga was in the hospital at San Fernando, Pampanga, and at the portals of death, he gave and signed an ante mortem statement which was taken down by Captain Cook of the United States Army. (Exhibit O.) Selga told in this statement that he had been wounded by Florentino Soriano. There also exists against Soriano the fact that when the weapons of the soldiers were examined, he was found to be lacking seventeen cartridges, while he voluntarily made certain damaging statements. Soriano, however, contends, as to these statements, that they were forced from him by Government officials.

The guilt of the accused has been proved in this case beyond a reasonable doubt. There stands against him circumstantial evidence and his own admissions. There is also the ante mortem statement of Selga. There is finally the testimony of Corporal Umali, and of the soldier Braulio Pascua.

It is contended, however, that the lower court erred in admitting and giving credit to the testimony of Umali and Pascua. As to this defense, it suffices to say that under the construction which this court has given to Act No. 2709, the witnesses Umali and Pascua were not improperly included in the array for the Government. With the dissent of some of us, Act No. 2709 has been given a liberal and permissive meaning. (U. S. vs. Abanzado [1918], 37 Phil., 658; U. S. vs. Enriquez [1919], 40 Phil., 603; U. S. vs. Bonete [1920], 40 Phil., 958; People vs. Velazco

[1921], 42 Phil., 75,) Reversible error is not shown.

The crime was properly classified as murder because of the qualifying circumstance of alevosia. No aggravating or mitigating circumstance is present. The Attorney-General recommends affirmance.

Judgment is affirmed, with the costs of this instance against the appellant. So ordered.

Johnson, Street, Villamor, Ostrand, Johns, Romualdez, 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.