

THE PEOPLE OF THE PHILIPPINE ISLANDS, PLAINTIFF AND APPELLEE, VS. MORO SALAHUDDIN (ALIAS SALA), DEFENDANT AND APPELLANT.

G.R. No. 28450. August 08, 1928

Ponente: AVANCEÑA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-28450/>

AVANCEÑA, J.:

On the morning of September 29, 1926, Moro Aru left his house going towards the river and when he returned the same morning, mounted on his carabao, he had bruises on both temples, and about the eyes, and when his wife, Baraya, asked him what had happened to him he replied, in the presence of Haili and Lakibul, that while he was in the river, some Moros named Sala, Baturani and Hamahali came and handed him a paper for his father-in-law, and while he was putting this paper in his bolo scabbard, Sala, Hamahali and Baturani attacked him, the first striking him a blow on the forehead, the second a blow on the chest, and the third another blow on the nape of the neck. He fell to the ground as the result of this attack, and while he was on the ground, they continued to strike him until he lost consciousness. Upon regaining his senses, he caught his carabao, mounted it, and returned to his house. He was then carrying a bolo which his aggressors had snatched from him. After relating what had occurred, Aru said to his wife that he felt bad and that he was going to die, telling her that if he died she was to inform the authorities that the three whom he had mentioned were the ones who caused his death. After this Aru was unable to speak any longer and was taken to the hospital where he died two hours later. According to the physician who attended him, he died from a cerebral hemorrhage caused by the blows he received on the head.

Previous to this incident, Aru had had a fight with Sala in which the latter lost a tooth. Aru's father-in-law had accused Baturani and Hamahali of the theft of a carabao and a cow. These facts were brought out at the trial of the case to insinuate that they were the motives for the attack upon Aru.

A complaint was filed against the Moros Salahuddin (alias Sala), Baturani and Hamahali charging them with the acts mentioned, Sala being found guilty of the crime of homicide and sentenced to twelve years and one day of reclusion temporal, and to indemnify the heirs of the deceased in the sum of P1,000. Baturani and Hamahali were acquitted. Sala appealed from this judgment.

The fact that Aru, before his death, told how he was attacked and stated that the appellant was one of the aggressors, is sufficiently proven by the testimony of the deceased's wife and the Moros Haili and Lakibul. On the other hand, these statements were made by the deceased in the belief that he was going to die, as, in fact, he died a few hours later, and for this reason were considered as an ante-mortem declaration.

Furthermore, the appellant told Constabulary Lieutenant Barbajera that he had previously had a fight with the deceased, in which he lost a tooth, and remarked that there was no debt that should not be paid, which showed that he attacked the deceased prompted by the desire to secure revenge.

The appellant attempted to prove in the first instance, and also in this appeal, that he acted in self-defense. He testified that a carabao of the deceased having ruined his field, on that morning he had a dispute with the latter

regarding it, and the deceased attacked him with a bolo and that he was able to dodge the blow; that as the deceased persisted in the attack, he made use of a stick to defend himself, and, in turn, struck the deceased a blow on the head which felled him to the ground. This defense of the appellant has not been proven. On the contrary, we find it contradicted by the evidence. It seems strange that the appellant having been the victim of a bold attack with a bolo in the hands of the deceased, did not, however, receive any wound. And the contention of the defense that the appellant only struck the deceased one blow on the head is incompatible with the fact that the deceased had contusions on both temples and around the eyes. Neither can the number and locations of these contusions be explained by the fact that the deceased fell in two feet of water, at the bottom of which were stones. This fall could not at one and the same time have caused the deceased's bruises, which were on opposite sides of his body. In order to take into consideration the plea of self-defense, it must be based on facts sufficiently proven, and when the circumstances are such that those facts are improbable, as in this case, the defense must be rejected.

The facts proven constitute the crime of homicide, and the penalty imposed on the appellant being within the discretion of the court, the judgment appealed from is hereby affirmed, with the costs against the appellant. So ordered.

Johnson, Street, Malcolm, Villamor, Ostrand, 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.