

THE PEOPLE OF THE PHILIPPINE ISLANDS, PLAINTIFF AND APPELLEE, VS. MARGARITO MEDIAVILLA, DEFENDANT AND APPELLANT.

G.R. No. 28759. September 19, 1928

Ponente: VILLA-REAL, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-28759/>

VILLA-REAL, J.:

Margarito Mediavilla appeals to this court from the judgment of the Court of First Instance of Iloilo finding him guilty of less serious physical injuries, and sentencing him to two months and one day arresto mayor with costs.

In support of his appeal the appellant assigns, the following alleged errors as committed by the trial court, to wit:

"1. The lower court committed an error in denying the defendant's motion for dismissal dated October 18, 1927, which alleged that the prosecuting attorney was incapacitated to file an information against the accused in this case.

"2. The lower court committed an error in finding that Margarito Mediavilla was the one who inflicted and is liable for the injuries of Clemente Babiera."

In regard to the first assignment of error, the fact that the prosecuting attorney filed an information against Clemente Babiera, Justo Babiera and Dominga Bores, for the murder of Severino Haro, and then another information for frustrated homicide and less serious physical injuries against Severino Haro, Margarito Mediavilla and Fermin Proces, because Severino Haro had fired three shots at Clemente Babiera with his revolver, and because Margarito Mediavilla had wounded the latter at the base of the little finger of his right hand, does not disqualify said fiscal from sustaining said accusations, because the accused in the one are the offended parties in the other and vice versa, nor does it violate professional ethics which forbids an attorney to represent conflicting interests, since in both cases the prosecuting attorney represents the public, or the people of the Philippine Islands, who is the primary offended party in every crime, as being a violation of its sovereign will manifested in the law. It was inconsistent to sustain both accusations, as we have seen in discussing the evidence in case G. R. No. 28871[1] which is closely related to the case at bar. This contention is perfectly tenable in case of a duel, but in a case of unlawful aggression in which one may have acted in self-defense, or in defense of a stranger.

With respect to the second assignment of error, in the above-mentioned case we arrived at the conclusion that Clemente Babiera was aggressor and Severino Haro the victim, and in that case as well as in the present one, it was conclusively proved that Margarito Mediavilla was in town at the time when the tragedy was taking place in another distant part, where the herein defendant-appellant could not have been at the same time. Even on the hypothesis that Margarito Mediavilla was in the place of the crime, it having been conclusively proven that Clemente Babiera was the aggressor and Severino Haro the victim, said Margarito Mediavilla would have been exempt from criminal liability on the ground of having defended a stranger, unless it appeared that he acted out of revenge, resentment or some other unlawful motive.

The fact that Clemente Babiera presented himself to the Constabulary with a small wound at the base of the little finger of his right hand is not by itself sufficient to prove that he was not the aggressor, and that he only acted in self-defense, as, if in order to be exempt from military service there are those who mutilate themselves or cause others to mutilate them, which is a crime penalized by the Penal Code, who would not wound himself slightly in order to escape the gallows or a life penalty?

In consideration of the premises, we are of opinion and so hold, that the evidence adduced at the trial by the prosecution does not establish the guilt of the defendant-appellant beyond a reasonable doubt.

In virtue whereof, and giving the accused the benefit of the doubt, the judgment appealed from is reversed and the defendant-appellant acquitted, with costs de officio. So ordered.

Avanceña, C. J., Johnson, Street, Malcolm, Villamor, Ostrand, and Romualdez, JJ., concur.

[1] People vs. Babiera, p. 97, post.

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.