

THE PEOPLE OF THE PHILIPPINE ISLANDS, PLAINTIFF AND APPELLEE, VS. PRAXEDES AYAYA, DEFENDANT AND APPELLANT.

G.R. No. 29396. November 09, 1928

Ponente: VILLAMOR, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-29396/>

VILLAMOR, J.:

The appellant was tried in the Court of First Instance of Tayabas upon the following information:

"That on or about January 15, 1928, in the municipality of Pagbilao, Province of Tayabas, Philippine Islands, and within the jurisdiction of this court, the above-named accused, with the intent to kill her husband Benito de la Cruz, with whom she was united in lawful marriage, with treachery and by means of an umbrella, did voluntarily, unlawfully, and feloniously assault and attack her said husband Benito de la Cruz, inflicting a mortal wound in the upper left eyelid, as a result of which said Benito de la Cruz died five (5) days thereafter. In violation of article 402 of the Penal Code."

It appears from the record that at about 1 o'clock in the morning of January 16, 1928, Jose Fajardo, the chief of police of Pagbilao, Tayabas, was informed by a policeman that one Benito de la Cruz was drunk, wounded, and vomiting in his house in said municipality. Said chief of police went to the place and found Benito, the deceased, lying in bed with a wound on his left eyelid, and unconscious, for he did not answer the questions put to him. When his wife, the defendant Praxedes Ayaya, was questioned as to the cause of that wound, she replied that it was due to the fact that she herself had jabbed her husband with an umbrella. Health officer Victoriano Litonjua was then called, and upon examining Benito, found he had a wound on the left upper eyelid which was bleeding; that his pupils were dilated and, from the odor of his breath and from his vomiting, it appeared that Benito was drunk. In view of the wounded man's condition he was later taken to the provincial hospital of Tayabas, where he died four days after the incident.

Health officer Litonjua and Dr. G. Santos Cuyugan, the director of the provincial hospital of Tayabas, who treated the wounded man, expressed different opinions as to the cause of the death of Benito de la Cruz. Health officer Litonjua believes that the deceased's cerebral hemorrhage was due to his alcoholic excesses, whereas Doctor Cuyugan, who performed the autopsy, declared that the wound was caused by some blunt instrument and that his death was caused by the cerebral hemorrhage produced by the wound he had received in the forehead, and that health officer Litonjua's statement as to said hemorrhage being due to the alcohol is erroneous. The trial court found the defendant guilty of the crime alleged in the information, and taking into account that the defendant did not intend to inflict so grave an injury as she did, and that there had been provocation on the part of the offended party, sentenced her to fourteen years, eight months and one day reclusion temporal, with the accessories of the law, and to pay the heirs of the deceased the sum of P500 by way of indemnity, plus the costs of the action.

The defendant appealed from this judgment, and her attorney, in support of the petition that the judgment appealed from be reversed and the appellant acquitted with costs de oficio, assigns the following errors: (1) The trial court erred in holding that the deceased's wound on the left upper eyelid was caused by the appellant; (2) supposing, without admitting, that said wound was really caused by the herein appellant, the lower court erred in

concluding that said wound was the immediate cause of the death of the deceased and consequently, in convicting the appellant; and (3) the lower court erred in not acquitting the appellant, at least, for reasonable doubt.

The evidence presented by the prosecution to prove that the crime charged, consists of the following: Exhibit A, which is the sworn statement filed by the accused with the justice of the peace of Pagbilao; Exhibit B, which is the umbrella used by the defendant and with which she jabbed the deceased; Exhibit C, which is the report of the autopsy of Benito de la Cruz signed by Doctor Cuyugan; and Exhibit D; which is the death certificate.

In the defendant's sworn statement she states, among other things, that at about 3 o'clock at night on January 15, 1928, she, with her husband Benito de la Cruz, and her son Emilio, drank tuba in the store of one Felicidad Lososo; that afterwards they went to a cinema; that while returning home and without any warning, her husband, who was drunk, gave her a blow which she dodged; that then her husband went home, preceding her and her son and when they arrived at the house they found the door closed; that she and her son pushed the door and attempted to open it, but her husband, who was inside, prevented it; that then the door gave way somewhat and her son Emilio succeeded in putting his head between the opening of the door and the wall and in order to prevent the door from crushing him, she pushed it; that Benito then poked his head out of the opening of the door and when she saw him, she jabbed him with the umbrella she carried; that she does not know where she jabbed him although she thinks it was in the body; and that when she and her son finally succeeded in entering the house, they found that Benito was already in bed with a wound in the forehead. The accused herself, in her testimony in her own behalf, substantially repeated what she had declared before the justice of the peace of Pagbilao, stating, however, that when the door was opened and her son put his head between the opening of the door and the wall, in order to prevent the door from crushing her son's head, she jabbed her husband with her umbrella with a downward motion, though she could not tell if she touched him or not. She stated, furthermore, that she did not know how the wound in her husband's forehead was caused. This point of the defendant's testimony has not been contradicted by any evidence to the contrary; rather it has been corroborated by her son Emilio de la Cruz who also testified at the trial.

On the other hand, it appears from the testimony of the defendant and of her son that the husband and wife did not quarrel in the street while returning home on the night in question, and, moreover, that during the marriage they lived together in peace with no disagreements between them, either on or before the date of the incident.

In view of the fact that there is no eyewitness of the act herein prosecuted, with the exception of the defendant and her son Emilio de la Cruz, we are compelled to accept the declaration of the defendant that she jabbed her husband with her umbrella in order to prevent the door from closing and crushing her son's head which was inserted between said door and the wall of the house. Said defendant, explaining what took place, says in part: "When the door was ajar my son went in, and then my husband pushed it and as I saw that he was about to crush my son's head, I jabbed my husband with the point of the umbrella downwards to prevent him from crushing my son's head." We find nothing improbable in this statement and if we add to this the absence of any reasonable motive to prompt said defendant to injure her husband, we are compelled to conclude that in thrusting her umbrella in the opening of the door in question, she did so to free her son from the imminent danger of having his head crushed or being strangled; and if she thus caused her husband's injury, it was by a mere accident, without any fault or intention to cause it. This being so, we believe that she incurred no criminal liability in accordance with article 8, No. 8, of the Penal Code, because, it being a licit act to free her son from the grave danger threatening him, and the fact of having touched the left eye of her husband, who was behind the door, with the end of her umbrella, does not make her criminally liable. (Decision of the Supreme Court of Spain of November 30, 1888.)

Wherefore the judgment appealed from is reversed, and the appellant Praxedes Ayaya must be, as she hereby is,

acquitted, with costs de oficio. So ordered.

Avanceña, C. J., Johnson, Street, Malcolm, 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.