

THE PEOPLE OF THE PHILIPPINE ISLANDS, PLAINTIFF AND APPELLEE, VS. JUAN ALANGUILANG, DEFENDANT AND APPELLANT.*G.R. No. 30125. January 21, 1929*

Ponente: ROMUALDEZ, J.

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According to the information, the accused Juan Alanguilang was charged with the crime of parricide, having killed his lawful wife, Aurelia Brion, and the Court of First Instance of Laguna which tried the case on its legal merits, sentenced him to life imprisonment, with the accessories of the law, to indemnify the heirs of the deceased in the sum of P500, and to pay the costs.

The appellant appealed from said judgment on the ground that the court abused its authority in denying the repeated motions for a postponement of the hearing of the case presented by the defense; that the conviction of the accused is based on contradictory or incredible testimony; and even supposing that he was responsible for the death of his wife, he never intended to kill her, and that if he did ever chastise her, his mind at that time was obfuscated and under the influence of jealousy.

Upon examining the record we find nothing to indicate that the court abused its authority or discretion in not granting the postponement of the hearing requested, not by the attorney de oficio but by another attorney who was not then present. When said petition was denied the trial had not yet commenced and the court had only then ordered the reading of the information, and proceeded with the hearing without said attorney then presenting any petition for a period in which to prepare for the trial.

The last two assignments of error refer to the weight of the evidence. And it is found that it sufficiently shows that the accused, prompted by jealousy and armed with a piece of firewood, abused his wife, striking her with said piece of wood on the arm and on the abdomen until he finally caused her death. We consider the testimony of Clemente Alanguilang and Petronilo Balam, who partially witnessed the attack, worthy of credit. It is corroborated by the contusions found on the deceased's body at the autopsy; also the statements of the little boy Buenaventura, the accused's own son, made to the chief of police (Exhibit X) and the affidavit of said boy made before the justice of the peace (Exhibit Y); also the affidavit made by Victoria Maghaye before the same justice of the peace (Exhibit Z). It is true that these witnesses, the boy Buenaventura and Victoria Magnaye, in testifying during the hearing of the case, tried to exculpate the accused and stated having signed said Exhibits X, Y and Z without knowing their contents; nevertheless, in our opinion, the statements and affidavits made by these witnesses before the chief of police and the justice of the peace deserve more credit, wherefore we do not believe either the exculpatory statements with which they defended the accused or the explanation they gave as to why they signed said documents.

The record does not show any modifying circumstance. The obfuscation alleged by the defense cannot be taken into consideration. In order that the circumstance of obfuscation can be considered, it is necessary to establish the existence of an act both unlawful and sufficient to produce such a condition of mind; and that said act which

produced the obfuscation was not far removed from the commission of the crime by a considerable length of time, during which the perpetrator might recover his normal equanimity. (U. S. vs. Pilares, 18 Phil., 87; U. S. vs. Taylor, 6 Phil., 162; U. S. vs. Sarikala, 37 Phil., 486.) These requisites were not proven in the record.

Not finding any error of law or fact, the judgment appealed from is hereby affirmed in all its parts, with the costs against the appellant. So ordered.

Johnson, Street, Malcolm, Villamor, Ostrand, Johns, and Villa-Real, JJ., concur.

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