

THE PEOPLE OF THE PHILIPPINE ISLANDS, PLAINTIFF AND APPELLEE, VS. CHARLES E. T. WADE, DEFENDANT AND APPELLANT.*G.R. No. 31070. August 08, 1929*

Ponente: STREET, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-31070/>**STREET, J.:**

This appeal has been brought to reverse a judgment of the Court of First Instance of the Province of Lanao, finding the appellant, Charles E. T. Wade, guilty of the offense of homicide and sentencing him to undergo imprisonment for fourteen years and one day, cadena temporal, and requiring him to indemnify the heirs of the deceased in the amount of P1,000, and to pay the costs.

It appears that in the afternoon of April 3, 1928, several persons, residents of Momungan, Province of Lanao, were collected together in a drinking place maintained by one Ariston Tijero in the poblacion of said municipality. Most of these individuals were persons of American citizenship, consisting of white men and persons of African descent. The accused in this case, Charles E. T. Wade, colored, came to the place in an automobile, accompanied by Peter Martisen and two Moros. Among" those present in the store were Edgar C. Choate, the deceased, Jere Barbour, and C. C. Andrews, all white men.

While the persons mentioned were seated at a table, drinks were passed around upon the order of Wade, though he himself did not imbibe. Hilarity then resulted, and some of those present engaged in dancing. In the course of these activities Choate punched one of Wade's Moros, at which Wade took offense. Choate apologized, and those present, except Wade, thought no more of the incident. After a half hour or such a matter Wade got up and went out, and a few moments later he was followed by Choate, inquiring for one Smith. As Choate passed out of the door of the tienda, he lighted a cigarette, and when outside was confronted by Wade, who turned, drew his revolver and fired at Choate, inflicting a fatal wound in the breast or abdomen. Wade again proceeded to pull the trigger of the revolver, but seeing that the first shot had sufficiently taken effect, he turned and left. Choate staggered a moment and fell over dead, or dying soon after. A lieutenant of the Constabulary, one B. J. Tumilde, who arrived upon the scene in a few moments, found Choate lying 1 1/2 meters from the door. Though already dead Choate still held between the fingers of the right hand a cigarette and in the other hand a match. The scene of the tragedy was visible to Jere Barbour, who was inside the tienda at the time of the shooting but was so placed that he could see what was going on immediately in front of the door. Teodulo Janaw, an employee in the house of Barbour, says that he happened to be on the street and saw Wade come out and stop near the door of the tienda. He also saw Choate come out of the same door; and as he lighted his cigarette Wade drew his revolver, pointed at Choate and fired.

Andrews testified that after the shot was fired he followed Wade and took his revolver. Andrews says that he suggested to Wade that he go back and ask Choate's pardon. But Wade answered, "What is done is done; all is ended." Andrews then asked Wade why he killed Choate and Wade replied, "He is bigger than I am; he darted at me and struck me, and I used my weapon."

In a statement (Exhibit C) signed by Wade on April 4, 1928, he made this statement:

"That when I was going out of the door, Choate followed me and gave me a punch at the back and still followed me to the road;

"That when he did follow me I turned around, pulled my revolver from its holster, cocked and pointed it to him;

"That he made a rush at me so I fired, altho I did not think of doing it."

At the trial of the case Wade introduced evidence tending to show that the shot was accidental. To establish this fact, he introduced one Taylor, who lived only a short distance from Tijero's tienda where the shooting occurred. Taylor says that he saw the shooting and that it occurred apparently accidentally, while Wade and Choate were fumbling or struggling over the pistol between them. The testimony of Wade himself also tended to show that the shooting took place accidentally while he and Choate were scuffling over the revolver.

We entertain no doubt that the pretense that the shooting was accidental was an afterthought. No suggestion to this effect was made by the accused at the time the shooting occurred, nor in his written statement the next day. Neither did Wade make this contention clearly before Governor Heffington later. The trial judge rejected the testimony of the defense on this point as incredible, and we think he was justified in so doing.

The offense committed was homicide, punishable under article 404 of the Penal Code. It is not proved, nor does Wade contend that he was drunk, though the circumstances of the killing suggest the probability that his mind might have been fired in some degree by wine.

The penalty appropriate to the offense is that of imprisonment for fourteen years, eight months and one day, reclusion temporal, with the penalties accessory to said penalty.

It being understood, therefore, that the period of imprisonment imposed by the trial judge is raised from fourteen years and one day to fourteen years, eight months and one day, reclusion temporal, with appropriate accessories, the judgment is affirmed, with costs against the appellant. So ordered.

Avanceña, C. J., Johnson, Villamor, 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.