

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. ANASTASIO MAISA, DEFENDANT AND APPELLANT.

G.R. No. 3728. September 25, 1907

Ponente: ARELLANO, C.J.

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ARELLANO, C.J.:

It was proven in this case that while Anastasia Maisa and Jose Machón were engaged in a fight, Isaac Monrayo tried to separate them and gave Maisa a push which caused the latter to fall to the ground, and on getting up Maisa struck Monrayo in the face, hitting him in the right eye, which became completely disabled. The accused alleged that the blow was aimed at Machón, and not at Monrayo. Although the wrongful act be committed against a person other than the one whom it was intended to injure, this fact does not excuse the offender from criminal liability for the voluntary commission of a wrongful act or misdemeanor, according to paragraph 3 of article 1 of the Penal Code.

Therefore, the judgment appealed from, whereby the accused is sentenced to two years four months and one day of prisión correccional, and to pay Isaac Monrayo an indemnity of 50 pesos or to suffer subsidiary imprisonment in case of insolvency, is hereby affirmed. And he is further sentenced to pay the costs of both instances. So ordered.

Torres, Johnson, Willard, and Tracey, JJ., concur.

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