

THE PEOPLE OF THE PHILIPPINE ISLANDS, PLAINTIFF AND APPELLEE, VS. SILVINO VALDEZ, DEFENDANT AND APPELLANT.*G.R. No. 37754. March 04, 1933*

Ponente: BUTTE, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-37754/>**BUTTE, J.:**

This is an appeal from the Court of First Instance of Nueva Vizcaya, second judicial district, convicting the appellant of the crime of homicide and sentencing him to fourteen years, eight months and one day of reclusion temporal and to indemnify the heirs of the deceased Egmidio Pangilinan in the sum of P1,000. It was the theory of the defense that Egmidio died from self-inflicted wounds, and the failure of the trial court so to find is assigned as error. In view of the evidence submitted by the prosecution, which we regard as trustworthy, this theory appears to us to have been manufactured for the occasion and we regard the testimony in support thereof as false.

As the Attorney-General states, the assignments of error may be reduced to the following: "That the trial court erred in convicting the appellant of the crime of homicide and sentencing him to the penalties imposed in the judgment appealed from."

Disregarding the concocted theory and the false testimony of the appellant and confining ourselves to the evidence of the prosecution, we are convinced that it was the appellant who stabbed the deceased, but that he is entitled to an acquittal under article 11, paragraph 3, of the Revised Penal Code, which exempts from criminal responsibility one who acts in defense of the person or rights of a stranger, under the conditions recited in paragraph 1 of said article.

There were four witnesses for the Government, but more important than their testimony is Exhibit D, the ante mortem declaration of the deceased. The testimony of the witnesses Hilario Aliac, the municipal police, and Mariano de Fiesta, the municipal president of Solano, establishes the fact, which we accept, that the appellant inflicted the wounds which caused the death of Egmidio Pangilinan fourteen days later. They were not eyewitnesses and their testimony is confined to circumstances pointing to that fact alone. The next witness, Hipolito Lazam, was the justice of the peace who took the ante mortem declaration of the deceased and his testimony is confined to identifying that instrument. The last witness, Dr. Jose P. Castro, was the physician who treated Egmidio. His testimony is confined to the nature and effect of Egmidio's wounds.

The only direct and the most important evidence introduced by the Government is Exhibit D which is as follows:

"Q. Who wounded you?—A. Apo Valdez.

"Q. What instrument he used to wound you?—A. That one you are holding.

"Q. Are your wounds serious?—A. I feel them serious.

"Q. Will you die with that wound?—A. I think I am going to die.

"Q. Don't you have any hope to live?—A. I do not have any hope to live.

"Q. What is the reason why you were wounded?—A. Because he was preventing me to stab my wife.

"Q. Why did you stab your wife?—A. Because I went to tell my wife that I would take her away.

"Q. What did your wife reply?—A. She refused.

"Q. What are the other reasons why you stabbed your wife?—A. I went here to take her away but she refused and when she refused I told her to make an instrument of our separation before the notary public and the wife of Valdez replied that even here you can make your separation; I then said again that I do not like to make it here but before a notary public.

"Q. What relation has your wife with Valdez?—A. He has no relation.

"Q. Why is it therefore that your wife is living here?—A. We are living together in this house but as we used to fight very often my wife went away, and she went to the house of her cousin Jose Nicolas. That when I went away my wife came back.

"Q. When you stabbed your wife, who were present?—A. The wife of Valdez and no more.

"Q. When Valdez stabbed you, were there other persons who saw you?—A. There were no other persons except the wife of Valdez."

It is not contradicted that when Egmidio attacked his wife under the circumstances stated in the above Exhibit D, the appellant, who is a barber, was in his shop on the ground floor of the same house engaged in cutting the hair of a customer, Porfirio Tabilangan. They heard the screams and cries for help of Egmidio's wife, Maria Aragon, and the appellant's wife, Rosita Otero. The appellant at once ran upstairs followed by Porfirio. Neither of them was armed. As we reconstruct the drama, Egmidio was attacking his wife, Maria Aragon, with a dagger when the appellant entered the room. The wife received five wounds but it is not clear whether she had received all of these wounds before the appellant appeared on the scene. The appellant's wife was in the room and his children in the next room. The appellant, in the defense of Maria, struggled with Egmidio for the possession of the dagger, in the course of which he inflicted the three wounds in question.

The Attorney-General admits that two of the necessary requisites to justify the act of the defendant and exempt him from criminal responsibility enumerated in article 11 are present in this case: namely, that the appellant was not actuated by revenge or resentment or other illegal motive; and second, that the appellant intervened in the defense of Maria Aragon and in trying to prevent Egmidio from wounding or killing his wife; but he suggests that the third element, that of reasonable necessity for the means employed in order to prevent or repel the illegal aggression is lacking. We do not concur with the Attorney-General in this suggestion.

This court stated in the case of *United States vs. Batungbacal* (37 Phil., 382, 387):

"If, in order to consider that a defendant acted in lawful defense, it is sufficient that he had well-founded reasons to believe that, under the attendant circumstances, the means employed by him to prevent or to repel the aggression, was necessary, then the defendant in this cause undoubtedly acted in lawful defense of Hilaria Tianko and his two children." In that case the deceased was pursuing the said children with bolo in hand and with his arm raised as if ready to strike with his weapon when he was shot dead by the accused. We held that in view of the imminence of the danger, the act of the defendant could be considered reasonably necessary to repel or prevent the aggression because its object was "to render the aggressor harmless".

In the instant case, considering the suddenness of the disturbance and the startling and disturbing effect upon the appellant's mind which must have resulted from hearing the screams of his wife calling for help; and coming, as he did without previous knowledge, upon an armed man engaged in a murderous attack in his own house in the presence of his wife, he might reasonably have assumed that he had to deal with a desperate or possibly an insane person who had to be rendered harmless.

We have come to the conclusion that it would be unjust to affirm the judgment in this case in spite of the fact that we are convinced that the appellant believed his cause would prosper more if he lied instead of telling the simple truth about what happened.

The judgment is reversed.

Avanceña, C. J., Street, Ostrand, and Abad Santos, 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.