

THE PEOPLE OF THE PHILIPPINE ISLANDS, PLAINTIFF AND APPELLEE, VS. ANDRES R. SERRANO, DEFENDANT AND APPELLANT.

G.R. No. 38996. October 31, 1933

Ponente: ABAD SANTOS, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-38996/>

ABAD SANTOS, J.:

This is an appeal from a judgment of the Court of First Instance of Ilocos Sur, finding the appellant guilty of the crime of homicide and sentencing him to suffer fourteen years, eight months and one day of reclusion temporal, to indemnify the heirs of the deceased in the sum of P1,000, and to pay the costs.

In seeking a reversal of said judgment, counsel for the appellant has assigned four errors, all of which relate to the sufficiency of the evidence presented by the prosecution to sustain the judgment of conviction.

In convicting the appellant, the lower court relied mainly on the ante-mortem statements of the deceased Eduardo Savellano and on the testimony of Cirilo Serrano. Appellant contends that Exhibit A was not admissible as an ante-mortem statement, for the reason that Eduardo Savellano did not expressly state therein that he expected to die. The circumstances under which the statement was made, however, justified the lower court in taking it into consideration as a dying declaration. In *People vs. Ancasan* (53 Phil., 779, 781), this court said: "Under the second assignment of error, counsel argues that the statements made by the deceased to his wife very shortly before his death could not be regarded as a dying declaration inasmuch as the deceased did not directly state that he at that time believed that death was impending. A sufficient answer to this contention is that it is not necessary to the validity or admissibility of a dying declaration that the declarant expressly state that he has lost all hope of recovery; it is sufficient that the circumstances are such as to lead inevitably to the conclusion that at the time the declaration was made, the declarant did not expect to survive the injury from which he actually died."

As to the theory of the defense that the deceased, Eduardo Savellano, might have been accidentally wounded by Cirilo Serrano, it is sufficient to say that the facts disclosed by the record fails to sustain such a theory. On the other hand, the evidence clearly points to the appellant as the author of the death of Eduardo Savellano.

The judgment appealed from is, therefore, affirmed with costs against the appellant. So ordered.

Street, Hull, Vickers, and Butte, 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.