

THE PEOPLE OF THE PHILIPPINE ISLANDS, PLAINTIFF AND APPELLEE, VS. CORAZON ZAMORA DE CORTEZ, DEFENDANT AND APPELLANT.

G. R. No. 39461. February 24, 1934

Ponente: ABAD SANTOS, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-39461/>

ABAD SANTOS, J.:

Appellant was prosecuted in the Court of First Instance of Capiz for the crime of murder and, after due trial, was found guilty only of homicide and sentenced to suffer seventeen years and four months of reclusion temporal, with the accessory penalties provided by law, to indemnify the heirs of the deceased Maria Bigay in the sum of P1,000, and to pay the costs.

Appellant admits having killed Maria Bigay but claims that she committed the deed because she surprised her in the act of adultery with her husband, Angel Cortez, in the house of Lucia Celis. Her testimony in this respect is fully corroborated by that of Lucia Celis. Appellant's husband, in his testimony, also admitted that he was surprised by his wife in the act of adultery with Maria Bigay in Lucia Celis' house. While, as a general rule, the testimony of a husband in favor of his wife should be carefully scrutinized, courts are not justified in rejecting it entirely as proceeding from a biased source. In the case at bar, no motive for the killing has been established, and granting that proof of particular motive for taking the life of a human being is not indispensable to conviction for homicide, the absence of such motive is nevertheless important in determining which of two conflicting theories is more likely to be true.

As declared by this court, in criminal prosecutions, matters of defense, mitigation, excuse, or justification, must appear by a preponderance of evidence. (People Embalido, 58 Phil., 152, 154.) We agree with the Solicitor General that the preponderance of evidence in the present case does not justify appellant's claim that she acted in self-defense. It sufficiently indicates, however, that she killed Maria Bigay under the circumstances mentioned in article 247 of the Revised Penal Code.

Upon the foregoing premises, appellant is hereby sentenced to suffer six months and one day of destierro, and ordered not to be and remain within the radius of 25 kilometers from the municipality of Pontevedra, Province of Capiz.

Modified as above indicated, the judgment is affirmed with costs de oficio. So ordered.

Street, Hull, Butte, and Diaz, 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.