

THE PEOPLE OF THE PHILIPPINE ISLANDS, PLAINTIFF AND APPELLEE, VS. GREGORIO REYES, DEFENDANT AND APPELLANT.

G.R. No. 42117. March 29, 1935

Ponente: HULL, J.

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HULL, J.:

Appellant was convicted in the Court of First Instance of Camarines Sur of the crime of homicide committed on the person of Fausta Tavera on the evening of April 30, 1934.

Previous to the crime, the deceased for a couple of weeks had been living with appellant, but her parents had persuaded her to come home and were demanding that appellant pay a dowry of P30 before the date of the celebration of the marriage could be fixed.

That evening there had been a barrio procession, and after the procession, they were gathered in one of the houses, where an impromptu dance took place. The deceased and appellant were talking in the yard of the house where the dance was taking place, and she informed him that she could not return to him and that she was going with her parents to Catanduanes. Appellant dragged the deceased towards the street and stabbed her in the chest with a fanknife. Deceased ran to the house of the barrio lieutenant, a short distance away, falling dead at the foot of the staircase, although the wound was only a slight one, it not having penetrated the thoracic cavity, having hit a bone.

Immediately Andres Tapil, Tomas and Rufino, relatives of the deceased, attempted to seize the appellant, but with the aid of his knife, he escaped and ran from the scene of the affray.

Appellant as witness in his own behalf claimed that he was attacked by the three relatives of the deceased, and if deceased was wounded by him, it was in the midst of that affray and purely accidental on his part.

Not only is this testimony directly contrary to the witnesses for the prosecution but is greatly weakened by appellant's own statement given to the chief of police the day after the crime. The story as told by appellant was not believed by the trial court, and on the whole does not ring with sincerity and truth.

Appellant contends that he cannot be convicted of homicide as the wound actually inflicted was a superficial wound of no intrinsic magnitude. As above stated, deceased ran screaming to the nearby house where she dropped dead. The sanitary inspector who examined the body the next day, found no other wound and certified that deceased had died from shock as a result of the wound and so testified at the trial.

The death having occurred in an outlying barrio, there was no proper autopsy. So far as is known, deceased was in normal health, but appellant contends that it is incumbent upon the State to prove that the deceased did not die of poisoning or some other cause.

In this jurisdiction it is well settled that such is not the law. A person is responsible for the consequences of his criminal act and even if the deceased had been shown to be suffering from a diseased heart (which was not

shown), appellant's assault being the proximate cause of the death, he would be responsible, (U. S. vs. Luciano, 2 Phil., 96; U. S. vs. Lugo and Lugo, 8 Phil., 80; U. S. vs. Brobst, 14 Phil., 310; U. S. vs. Rodriguez, 23 Phil., 22.)

The trial court appreciated the mitigating circumstances that the offender had no intention to commit so grave a wrong as that committed and that sufficient provocation or threat on the part of the offended party immediately preceded the act.

We have repeatedly held that when a person stabs another with a lethal weapon such as a fan knife upon a part of the body, for example, the head, chest, or stomach, death could reasonably be anticipated, and the accused, must be presumed to have intended the natural consequences of his wrongful act. The means employed contradict the claim that appellant had lack of intention to commit the crime of homicide.

The trial court considered provocation as a mitigating circumstance based on the testimony of appellant that he had been attacked,' overlooking the fact that the law requires that the provocation come from the offended party. Certainly the deceased did not attack appellant, and her refusal to renew her illicit relationship with him can hardly be construed as legal provocation.

On a careful review of the evidence we are convinced that appellant is guilty beyond a reasonable doubt of the crime of homicide without either aggravating or mitigating circumstances and therefore sentence him under Act No. 4103 to from eight years of prision mayor to fourteen years, eight months, and one day of reclusion temporal and to indemnify the heirs of the offended party in the sum of P1,000. As thus modified the judgment appealed from is affirmed. Costs against appellant. So ordered.

Avanceña, C.J., Malcolm, Vickers, Imperial, Butte, Goddard, and Diaz, JJ., concur.

DISSENTING

ABAD SANTOS, J.,

Upon the evidence of record I am of the opinion that the appellant should be acquitted.

I am inclined to believe the testimony of the appellant to the effect that he was attacked by the three men who were with the deceased at the time, and that as a result of the fight that ensued, the deceased was accidentally wounded. Moreover, the physician who examined the deceased testified that the wound he found on her body was merely a "scratch". The nature of the wound was such that, under ordinary circumstances, would not have resulted in death. I do not believe that the appellant had intended to commit homicide.

Judgment modified.

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