

THE PEOPLE OF THE PHILIPPINE ISLANDS, PLAINTIFF AND APPELLEE, VS. INOGENTES MOLDES, DEFENDANT AND APPELLANT.

G. R. No. 42122. December 01, 1934

Ponente: HULL, J.

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HULL, J.:

Appellant was convicted in the Court of First Instance of Leyte of the crime of homicide. On the night of the 3d of April in the barrio of Maya, municipality of Abuyog, Province of Leyte, there was a dance in a private house, and the deceased was the master of ceremonies at that dance. The appellant insisted on dancing out of turn and was reproved by the deceased. Appellant then went to the porch of the house and with his bolo began cutting down the decorations. He descended into the yard of the house and challenged everyone to a fight. Not attracting sufficient attention, he began chopping at the bamboo trees and repeated his challenge for a fight.

The deceased, unarmed, started down the stairs, speaking to him in a friendly manner, and as deceased had about reached the ground, appellant struck at him with his bolo, inflicting a wound on his left arm, which was described by the sanitary inspector on post mortem examination as follows:

"A long incised wound located on the lower portion of the left arm directed inwards downwards and extending as low as the anticubital fossa and cutting the inferior part of the biceps muscle, and the branches of the brachial artery. It measured 3 inches long, 21/2 inches wide and 1 1/2 inches deep."

As deceased fell to the ground, appellant inflicted a slight wound in the back and ran away from the scene of action.

The wound was seen and treated the next morning by the sanitary inspector of Abuyog, but the deceased remained in the care of a local "curandero". This treatment failed to stop the hemorrhage, and the deceased died on the 15th of April, 1934.

The theory of the defense was that appellant was behaving at the dance, that the deceased was the aggressor, that he struck him on the dance floor with a cane, and that when appellant ran from the house, deceased followed him about 200 yards until they came to a creek and appellant could not retreat any further, and that when being attacked by the deceased with a cane and a bolo, he succeeded in wrenching the bolo from the hands of the deceased and in self-defense inflicted the wound.

While there is testimony to the above effect, the witnesses for the defense were not believed by the trial court, and the testimony to that effect does not read as clear and convincing as does that of the witnesses for the prosecution.

The attorney de oficio urges that appellant did not intend to commit as serious a wound as was inflicted but struck only in the dark and in self-defense.

It is clear that there is no element of self-defense in the case and that appellant was the aggressor. When one resorts to the use of a lethal weapon and strikes another with the force that must have been used in this case, it must be presumed that he realizes the natural consequences of his act.

It is also contended by the attorney for the appellant that if the deceased had secured proper surgical treatment, the wound would not have been fatal. In the outlying barrio in which this assault took place, proper modern surgical service is not available.

The general rule is " * * * that he who inflicts the injury is not relieved of responsibility if the wound inflicted is dangerous, that is, calculated to destroy or endanger life, even though the immediate cause of the death was erroneous or unskillful medical or surgical treatment * * * ." (29 C. J., 1081, and the numerous cases there cited.)

Ruling Case Law is in strict accord with Corpus Juris.

" * * * The principle on which this rule is founded is one of universal application, and lies at the foundation of all criminal jurisprudence. It is, that every person is to be held to contemplate and to be responsible for the natural consequences of his own acts. If a person inflicts a wound with a deadly weapon in such manner as to put life in jeopardy, and death follows as a consequence of this felonious and wicked act, it does not alter its nature or diminish its criminality to prove that other causes co-operated in producing the fatal result. Indeed, it may be said that neglect of the wound or its unskillful and improper treatment, which were of themselves consequences of the criminal act, which might naturally follow in any case, must in law be deemed to have been among those which were in contemplation of the guilty party, and for which he is to be held responsible. But, however this may be, the rule surely seems to have its foundation in a wise and practical policy. A different doctrine would tend to give immunity to crime and to take away from human life a salutary and essential safeguard. Amid the conflicting theories of medical men, and the uncertainties attendant upon the treatment of bodily ailments and injuries, it would be easy in many cases of homicide to raise a doubt as to the immediate cause of death, and thereby to open a wide door by which persons guilty of the highest crime might escape conviction and punishment. * * * " (13 R. C. L., 751, 762; 22 L. R. A., New Series, 841.)

This court in the case of United States vs. Escalona (12 Phil., 54), following a decision of the Supreme Court of Spain, adopted the same rule.

Therefore this contention of appellant must be held to be without merit.

During the trial, counsel for the defense asked several questions as to the character and habits of the deceased, but the court sustained the objections of the fiscal as to the propriety of such questions. Appellant urges that this was prejudicial error. That such questions were relevant to the issue then in question is not obvious. It is not necessary to pass upon the merits of this contention, as such questions were not insisted upon at the trial, and no exception was taken to the rulings of the court.

Fixing the period of confinement at six years and on day of prision mayor to fourteen years, eight months, and one day of reclusion temporal, the judgment appealed from as thus modified is affirmed. No expression as to costs. So ordered.

Avancena, C. J., Abad Santos, Vickers, and Diaz, JJ., concur.

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