

THE PEOPLE OF THE PHILIPPINE ISLANDS, PLAINTIFF AND APPELLEE, VS. JUAN QUIANZON, DEFENDANT AND APPELLANT.

G.R. No. 42607. September 28, 1935

Ponente: RECTO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-42607/>

RECTO, J.:

Charged with and convicted of the crime of homicide in the Court of First Instance of Ilocos Norte, and sentenced to an indeterminate penalty of from six years and one day of prision mayor, as minimum to fourteen years, seven months and one day of reclusion temporal, as maximum, Juan Quianzon appeals to this court for the review of the case.

On February 1, 1934, a novena for the suffrage of the soul of a deceased person was being held in the house of Victorina Cacpal in a barrio, near the poblacion, of the municipality of Paoay, Ilocos Norte, with the usual attendance of relatives and friends. The incident that led to the filing of these charges took place between 3 and 4 o'clock in the afternoon. Andres Aribuabo, one of the persons present, went to ask for food of Juan Quianzon, then in the kitchen, who, to all appearances, had the victuals in his care. Aribuabo was a sexagenarian and so was Quianzon. It was the second or third time that Aribuabo approached Quianzon with the same purpose whereupon the latter, greatly peeved, took hold of a firebrand and applied it to the neck of the man who so pestered him. Aribuabo ran to the place where the people were gathered exclaiming that he was wounded and was dying. Raising his shirt, he showed to those present a wound in his abdomen below the navel. Aribuabo died as a result of this wound on the tenth day after the incident.

There is no conflict between the prosecution and the defense as regards the foregoing facts. The question to be determined is who wounded Aribuabo. The prosecution claims that it was Juan Quianzon and, to prove it, called Simeon Cacpal, Roman Bagabay, Gregorio Dumlao and Julian Llaguno to the witness stand.

The first witness, Simeon 'Cacpal, claims to have witnessed the wounding of Andres Aribuabo in the abdomen by Juan Quianzon. However, we find the testimony of this witness so improbable, incongruent and contradictory that we consider meritorious the claim of the defense that it was an error of the lower court to have taken it into consideration in formulating the findings of its judgment. Not so with respect to the testimony of the other witnesses. Roman Bagabay, one of the persons present at said gathering, testified that he saw Juan Quianzon apply a firebrand to the neck of Andres Aribuabo who shortly afterwards went toward the place where the witness and the other guests were gathered, telling that he was wounded and was going to die and naming Juan Quianzon as the person who wounded him. He also testified that Juan Quianzon, upon being asked immediately by him about the incident, admitted to him having attacked Aribuabo with a bamboo spit. Gregorio Dumlao, a barrio lieutenant, who, upon being informed of the incident, forthwith conducted an investigation, questioned Aribuabo and the latter told him that it was the accused who had wounded him. He likewise questioned the accused and the latter, in turn, stated that he had wounded the deceased with a bamboo spit. Upon being brought before Julian Llaguno, chief of police of Paoay, for questioning, Quianzon confessed to Llaguno that he had applied a firebrand to Aribuabo's neck and had later wounded him with a bamboo spit. Before the chief of police could put this

confession of Quianzon in writing, the latter retracted, denying that he had wounded Aribuabo, for which reason in the affidavit Exhibit B the fact of having applied a firebrand to Aribuabo's neck appears admitted by Quianzon but not that of having wounded the deceased with a bamboo spit.

The disinterestedness of these three witnesses for the prosecution, Bagabay, Dumlao and Llaguno, is not questioned by the defense. Neither the accused, in his testimony, nor his counsel, in the brief filed by him in this court, was able to assign any unlawful, corrupt or wicked motive that might have actuated them to testify falsely in this case and knowingly bring about the imprisonment of an innocent person. Bagabay is not even a relative of the deceased. Dumlao, the barrio lieutenant, is a nephew of the accused. Llaguno, chief of police of Paoay, is an officer of the law whose intervention in this case was purely in compliance with his official duties. All the appellant has been able to state in his brief to question the credibility of these witnesses is that they were contradicted by Simeon Cacpal, the other witness for the prosecution, who testified that he had not seen them speak neither to Aribuabo nor to Quianzon in the afternoon of the crime. But the position of the defense in invoking Simeon Cacpal's testimony for the purpose of discrediting the other witnesses for the prosecution is untenable, after having vigorously impeached said testimony, branding it as improbable, incongruent and contradictory. If Cacpal is a false witness—and the court believes this claim of the defense as true—, none of his statements may be taken into account or should exert any influence in the consideration of the other evidence in the case.

After discarding the testimony of Simeon Cacpal, the evidence presented by the prosecution relative to the appellant's criminal liability for the death of Andres Aribuabo, briefly consists, first, in the victim's statement immediately after receiving the wound, naming the accused as the author of the aggression, and the admission forthwith made by the accused that he had applied a firebrand to Aribuabo's neck and had wounded him, besides, with a bamboo spit. Both statements are competent evidence in law, admissible as a part of the *res gestae* (sections 279 and 298, No. 7, of the Code of Civil Procedure; *U. S. vs. Macuti*, 26 Phil., 170; *People vs. Portento and Portento*, 48 Phil., 971). Second, in the extra judicial confession of the accused to the barrio lieutenant, Dumlao, and later to the chief of police Llaguno, in the same afternoon of the crime, that he was the author of Aribuabo's wound and that he had inflicted it by means of a bamboo spit. Inasmuch as this confession, although extrajudicial, is strongly corroborated and appears to have been made by the accused freely and voluntarily, it constitutes evidence against him relative to his liability as author of the crime charged (*U. S. vs. So Fo*, 23 Phil., 379; *People vs. Cabrera*, 43 Phil., 64, 82; *U. S. vs. Jamino*, 3 P. R. A., 52; *Francisco's Quizzer on Evidence*).

The defense of the accused consisted simply in denying that he had wounded the deceased and that he had confessed his guilt to the witnesses Bagabay, Dumlao and Llaguno. But such denial cannot prevail against the adverse testimony of these three veracious and disinterested witnesses, all the more because neither the accused nor any other witness for the defense has stated or insinuated that another person, not the accused, might be the author of the wound which resulted in Aribuabo's death, and because it is admitted by the defense that it was the accused, whom Aribuabo had been pestering with request for food, who attacked the latter, burning his neck with a firebrand, after which Aribuabo appeared wounded in the abdomen, without the accused and the witnesses for the defense explaining how and by whom the aggression had been made.

It is contended by the defense that even granting that it was the accused who inflicted the wound which resulted in Aribuabo's death, he should not be convicted of homicide but only of serious physical injuries because said wound was not necessarily fatal and the deceased would have survived it had he not twice removed the drainage which Dr. Mendoza had placed to control or isolate the infection. This contention is without merit., According to the physician who examined and attended him, the "wound of the deceased was very serious and it was difficult to determine whether he could survive or not." It was a wound in the abdomen which occasionally results in

traumatic peritonitis. The infection was caused by the fecal matter from the large intestine which had been perforated. The possibility, admitted by said physician, that the patient might have survived said wound had he not removed the drainage, does not mean that that act of the patient was the real cause of his death. Even without said act the fatal consequence could have followed, and the fact that the patient had so acted in a paroxysm of pain does not alter the juridical consequences of the punishable act of the accused.

"One who inflicts an injury on another is deemed by the law to be guilty of homicide if the injury contributes mediately or immediately to the death of such other. The fact that other causes contribute to the death does not relieve the actor of responsibility. * * *" (13 R. C. L., 748.)

Furthermore, it does not appear that the patient, in removing the drainage, had acted voluntarily and with the knowledge that he was performing an act prejudicial to his health, inasmuch as self-preservation is the strongest instinct in living beings. It must be assumed, therefore, that he unconsciously did so due to his pathological condition and to his state of nervousness and restlessness on account of the horrible physical pain caused by the wound, aggravated by the contact of the drainage tube with the inflamed peritoneum. "When the peritonitis is due to traumatism, or to a perforation of the stomach, intestine, or gall-bladder, etc., it is indicated by violent shivering and pain first localized at a point in the abdomen, extending later to the entire abdominal wall; acute intolerable pain, which is aggravated by the slightest movement, becoming unbearable upon contact with the hand, a rag, or the bedclothes. , The pain is continuous but it gives frequent paroxysms. The abdomen is swollen, tense. Vomitings of greenish matter, which are very annoying and terribly painful, take place from the beginning and continue while the disease lasts." (XVI Spanish-American Encyclopedic Dictionary, 176; see also XXI Encyclopaedia Britannica, 1911 ed., 171.) If to this is added the fact that the victim in this case was mentally deranged, according to the defense itself, it becomes more evident that the accused is wrong in imputing the natural consequences of his criminal act to an act of his victim.

The question herein raised by the appellant has already been finally settled by jurisprudence. The Supreme Court of Spain, in a decision of April 3, 1879, said in a case similar to the present, the following: "Inasmuch as a man is responsible for the consequences of his act—and in this case the physical condition and temperament of the of fended party nowise lessen the evil, the seriousness whereof is to be judged, not by the violence of the means employed, but by the result actually produced; and as the wound which the appellant inflicted upon the deceased was the cause which determined his death, without his being able to counteract its effects, it is evident that the act in question should be qualified as homicide, etc."

In the case of *People vs. Almonte* (56 Phil., 54), the abdominal wound was less serious than that received by Aribuabo in this case, as it was not penetrating, merely involving the muscular tissue. In said case the death of the victim was due to a secondary hemorrhage produced twenty-four hours after the wound had been inflicted, because of the "bodily movements of the patient, who was in a state of nervousness, sitting up in bed, getting up and pacing about the room, as a consequence of which the internal vessels, already congested because of the wound, bled, and the hemorrhage thus produced caused his death." The court in deciding the question stated that "when a person dies in consequence of an internal hemorrhage brought on by moving about against the doctor's orders, not because of carelessness or a desire to increase the criminal liability of his assailant, but because of his nervous condition due to the wound inflicted by said assailant, the crime is homicide and not merely slight physical injuries, simply because the doctor was of the opinion that the wound might have healed, in seven days."

The grounds for this rule of jurisprudence are correctly set forth in 13 R. C. L., 751, as follows:

"While the courts may have vacilated from time to time it may be taken to be the settled rule of the common law that one who inflicts an injury on another will be held responsible for his death, although it may appear that the deceased might have recovered if he had taken proper care of himself, or submitted to a surgical

operation, or that unskilled or improper treatment aggravated the wound and contributed to the death, or that death was immediately caused by a surgical operation rendered necessary by the condition of the wound. 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 a 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 unskilful and improper treatment, which are 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."

Assuming that we should disregard Simeon Cacpal's testimony, there is no evidence of record that the crime charged was committed by means of the knife, Exhibit A, and we only have the extrajudicial admission of the accused that he had committed it by means of a bamboo spit with which the wound of the deceased might have been caused because, according to the physician who testified in this case, it was produced by a "sharp and penetrating" instrument.

Inasmuch as the mitigating circumstances of lack of instruction and of intention to commit so grave a wrong as that committed should be taken into consideration in favor of the appellant, without any aggravating circumstances adverse to him, we modify the appealed judgment by sentencing him to an indeterminate penalty with a minimum of four years of prision correctional and a maximum of eight years of prision mayor, affirming it in all other respects, with costs to said appellant.

Avanceña, C.J., Abad Santos, Hull, and Vickers, JJ., concur.

Judgment modified.

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.