

THE PEOPLE OF THE PHILIPFINE ISLANDS, PLAINTIFF AND APPELLEE, VS. ARNULFO QUESADA, DEFENDANT AND APPELLANT.

G.R. No. 42782. October 31, 1935

Ponente: ABAD SANTOS, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-42782/>

ABAD SANTOS, J.:

This is an appeal from a judgment of the Court of First Instance of La Union, finding¹ the appellant guilty of the crime of murder, and sentencing him to life imprisonment, with the accessory penalties provided by law, to indemnify the heirs of the deceased Maria Paz Nuval (alias Pacita), in the sum of P1,000, and to pay the costs.

That Maria Paz Nuval was killed by the appellant is not disputed. The only questions raised by this appeal relate to the qualification of the crime and the appreciation of the modifying circumstances. The trial court held that the crime committed was murder, qualified by treachery, with the aggravating circumstance of dwelling and the mitigating circumstance of voluntary surrender; whereas counsel for the appellant contends that it was simple homicide with three additional mitigating" circumstances, namely, obfuscation, lack of intention to commit so serious a crime, and voluntary confession of guilt before the court.

As far as they are relevant to this appeal, the facts upon which the judgment of the trial court was based, are stated in its well-prepared decision, as follows:

"The accused was a very good friend of the family of the deceased. He and Antonio Nuval, father of Pacita, belonged to the same political party and went together a great deal. The accused frequented Pacita's house and he was treated and regarded as a member of the family. His wife was a first cousin of Pacita, who regarded him as an elder brother or an uncle because of the difference in their ages.

* * * * *

"On the afternoon of August 28, 1934, Pacita and her younger brother Jose Nuval were at home, downstairs, Pacita sweeping the yard and Jose taking a bath near the well. Arnulfo Quesada came to the house, passing by the back yard. After exchanging greetings with Jose and Pacita, he went up the house and remained there until Pacita and Jose came up. Quesada then asked Jose to buy for him a package of cigarettes from a nearby store. Jose agreed to do so, but said that he would first put on some fresh clothes. When Pacita came up the house, as she passed by Quesada at the sala, he whispered something to her, which Jose inside the room dressing, could not hear. Then Pacita approached Jose and told him not to leave the house lest Quesada should do something bad. Evidently fearing that Jose would go anyway, because he could not refuse the request of Quesada, Pacita decided to leave the house herself under the pretext of returning an umbrella to a neighbor. Quesada was then in the sala near the main stairs. Pacita, in passing by him, said that she was leaving to return the umbrella and that he might wait in the house. Quesada tried to detain her by holding her left hand, but Pacita shook him off and said 'Don't do that. Then, as Pacita proceeded to go down the stairs, Quesada, evidently infuriated, grasped Pacita by the right wrist and jerked her toward him and simultaneously stabbed her on the chest below the left nipple, the fan knife piercing the heart. Pacita, giving a groan, leaned against the wall, putting her hands to her chest and exclaimed 'Oh! Lord, what has happened to me?' Quesada then stabbed himself with the same knife, and taking off his shirt (camisa de chino), he pressed it to the wound of Pacita in an effort to stop the bleeding.

Then, standing behind her, he lifted her body from the floor, holding her around her chest and below her armpits, and proceeded to carry her inside the room where he laid her on the bed. In carrying her, Quesada must have accidentally wounded the back of her hand with the knife he was grasping at the time."

The contention of the appellant is predicated on the theory of the defense as to the circumstances attending the commission of the crime. Counsel for the appellant admits in his brief that the following quotation from the decision below contains a fair recital of the appellant's testimony:

"On the morning of August 28, 1934, he went from Santo Tomas to Agoo, La Union, to make some purchases at the Tavora Press, kept by Lucia Arboleda. According to Quesada, Fortunato Tavora, son of Lucia, had long been engaged to marry Pacita and, naturally, the conversation drifted to this topic, in the course of which, Lucia informed Quesada that the marriage of Fortunato to Pacita could not be realized for the reason that the family of Pacita was too rich and too good for Fortunato's family, this, expressed in an ironical and sarcastic manner. Quesada, because of his connections with Pacita's family, resented this altitude of the family of Fortunato and upon his return to Santo Tomas that same afternoon, he forthwith went to Pacita's house with the intention of informing her and her parents of what he learned in Agoo. Unfortunately, however, both the father and mother of Pacita were attending a party in the house of Diego Bejar, situated about thirty meters away. In his eagerness and desire to unburden himself with the news, Quesada proceeded to tell Pacita that Fortunato would no longer marry her, but Pacita, instead of receiving the news serenely and philosophically and of appreciating the interest shown by Quesada, accused him of telling and fabricating lies, charging him with evil and sinister motives, calling him names, even going to the extent of saying that he was a beast, wanting her for himself to satisfy his carnal lust and base desires, ending in her telling him to get out of the house. Quesada remonstrated with her, explaining that he was acting in good faith, but Pacita renewed her vilifications, upon which Quesada became obfuscated, and without realizing what he was doing, he stabbed her with his fan knife; that afterwards, he surrendered himself to the municipal authorities at the presidencia.

Commenting on the version of the killing given by the appellant, the trial court said:

"The court is not impressed with the story of the accused. To begin with, Lucia Arboleda, testifying for the prosecution, flatly denied having seen Arnulfo Quesada on August 28, 1934. She also denied discussing the supposed engagement of Fortunato to Pacita, with the defendant at any time, and she even said that she was not aware of any such engagement. The court has no reason to doubt her testimony. In the second place, it is most improbable that for the defendant to merely inform Pacita of the supposed breaking off of her engagement to Fortunato, she should, as claimed by the defense, have adopted that aggressive and highly unreasonable and uncalled for attitude, to say nothing of her charging him with vile motives and evil designs on her honor. If, according to Quesada, he was never personally interested in Pacita much less, made love to her, there was no reason for her to accuse him or even to suspect that he wanted to have her as his sweetheart, nay, mistress, since he could not possibly marry her. he being a married man, and that he invented the news which he was supposed to have heard from Lucia in Agoo in order to have his love overtures prosper the more easily."

Upon a careful review of the evidence, we are satisfied that the findings of fact of the trial court must be sustained. These findings are supported by the testimony of three witnesses, while the theory of the defense is based solely on the testimony of the defendant himself.

Taking advantage of superior strength is an element which distinguishes murder from homicide. (Revised Penal Code, articles 248 and 249.) In the instant case. the evidence shows that the appellant, at the time of the commission of the crime, was a robust, middle-aged man; while the deceased was a woman of about twenty-two years of age. It also appears that the appellant stabbed the deceased while she was trying to escape from his grasp, and unable adequately to repel the attack. "An attack made by a man with a deadly weapon upon an unarmed and defenseless woman, constitutes the circumstance of abuse of that superiority which his sex and the weapon used in the act afforded him, and by means of which the woman was overcome and rendered unable to defend herself,

and perhaps not even able to escape from the savage attack of her aggressor." (U. S. vs. Consuelo, 13 Phil., 612.) This case, while not exactly in point, is analogous to the present case. It appearing that the appellant had taken advantage of superior strength in the commission of the offense, he was properly convicted by the trial court of the crime of murder.

With respect to the contention of counsel for the appellant that the lower court erred in taking into consideration the aggravating circumstance of dwelling, it is sufficient to state that, having come to the conclusion that the trial court was justified in rejecting the theory of the defense as to the circumstances attending the commission of the crime, we believe that the point thus raised is not well taken. Neither did the court err in not taking into consideration the mitigating circumstance of voluntary confession of guilt before the court, inasmuch as the record shows that the appellant did not plead guilty to the charge of murder, but merely offered to plead guilty to a charge of homicide. Having found that he was in reality guilty of murder, his offer to plead guilty to a charge of homicide cannot, under any rational theory of the law, be considered as a mitigating circumstance in his favor.

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

Avanceña, C.J., Hull, Vickers, and Recto, JJ., concur.

Judgment affirmed.

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.