

THE PEOPLE OF THE PHILIPPINE ISLANDS, PLAINTIFF AND PELLE, VS. CRISPIN GENOVES, DEFENDANT AND APPELLANT,

G.R. No. 42819. April 15, 1935

Ponente: HULL, J.

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HULL, J.:

Appellant was convicted in the Court of First Instance of Occidental Negros of the complex crime of homicide with abortion.

In the morning of the 28th of May, 1934, appellant and deceased Soledad Rivera were laborers in adjoining cane fields. Soledad claimed that the yoke of the plow which appellant was repairing belonged to her and tried to take it by force. Appellant struck her with his fist, causing her to fall to the ground. She got up and returned to the fray, whereupon she received another blow with the fist on the left cheek which caused her again to fall to the ground. Immediately after the incident deceased proceeded to the municipal building, a distance of about four kilometers, and complained to the chief of police about the maltreatment. At the time Soledad was heavy with child, and as she complained to the chief of police of pain in the abdomen, she was seen by the president of the sanitary district. According to testimony deceased was in good health the day before.

From the time of the incident there was hemorrhage and pain which were symptoms of premature delivery. Deceased remained in this condition until June 10, 1934. On that date the condition culminated in the painful and difficult premature delivery of one of the twin babies that she was carrying, but the other baby was never born as Soledad died of hemorrhage before the other baby could be delivered. Both babies were dead.

The first assignment of error is the contention of appellant that the death of the offended party was not the direct result of the assault upon her by the defendant. It is generally known that a fall is liable to cause premature delivery, and the evidence shows a complete sequel of events from the assault to her death. The accused must be held responsible for the natural consequences of his act.

The other defense is that the accused did not strike the deceased, but this fact is clearly established by the prosecution. We find the mitigating circumstances of lack of intent to commit so grave a wrong as that inflicted and provocation, as the offended party by force induced the appellant to use force on his part.

The abortion in this case is unintentional abortion denounced by article 257 of the Revised Penal Code. On the whole case, the period of confinement is fixed at twelve years and one day to fourteen years, eight months and one day of reclusion temporal. The indemnity is fixed at P1,000.

The sentence, as thus modified, is affirmed, with costs against appellant. So ordered.

Malcolm, Abad Santos, Vickers, and Diaz, JJ., concur.

Judgment modified.

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