

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. VALENTIN DOQUENA, DEFENDANT AND APPELLANT.*G.R. No. 46539. September 27, 1939*

Ponente: DIAZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-46539/>**DIAZ, J.:**

The accused-appellant, who is a minor, was prosecuted for homicide in the Court of First Instance of Pangasinan, for having killed Juan Ragojos by stabbing him in the breast with a knife on November 19, 1938, in the municipality of Sual, Pangasinan. The court, after trying the case, held that the accused acted with discernment in committing the act imputed to him and, proceeding in accordance with the provisions of article 80 of the Revised Penal Code, as amended by Commonwealth Act No. 99, ordered him to be sent to the Training School for Boys to remain therein until he reaches the age of majority. From this order the accused interposed an appeal alleging that the court erred in holding that he had acted with discernment and in not having dismissed the case.

On the date of the crime, the appellant was exactly thirteen years, nine months and five days old. The incident that gave rise to the aggression committed by him on the deceased is narrated in the appealed order as follows:

"Between 1 and 2 o'clock in the afternoon of November 19, 1938, the now deceased Juan Ragojos and one Epifanio Rarang were playing volleyball in the yard of the intermediate school of the municipality of Sual, Province of Pangasinan. The herein accused, who was also in said yard, intervened and, catching the ball, tossed it at Juan Ragojos, hitting him on the stomach. For this act of the accused, Juan Ragojos chased him around the yard and, upon overtaking him, slapped him on the nape. Said accused then turned against the deceased assuming a threatening attitude, for which reason said deceased struck him on the mouth with his fist, returning immediately to the place where Epifanio Rarang was in order to continue playing with him. The accused, offended by what he considered an abuse on the part of Juan Ragojos, who was taller and more robust than he, looked around the yard for a stone with which to attack the now deceased Juan Ragojos, but finding none, he approached a cousin of his named Romualdo Cocal, to ask the latter to lend him his knife. Epifanio Rarang, who had heard what the accused had been asking his cousin, told the latter not to give the accused his knife because he might attack Juan Ragojos with it. The accused, however, succeeded in taking possession of the knife which was in a pocket of his cousin's pants. Once in possession of the knife, Valentin Doquena approached Juan Ragojos and challenged the latter to give him another blow with his fist, to which the deceased answered that he did not want to do so because he (Juan Ragojos) was bigger than the accused. Juan Ragojos, ignorant of the intentions of the accused, continued playing and, while he was thus unprepared and in the act of stopping the ball with his two hands, the accused stabbed him in the chest with the knife which he carried."

The order also contains the following conclusions and findings of fact which we are not at liberty to alter, not being called upon or authorized to do so, in view of the nature of the appeal before us, by section 138 of the Administrative Code, as amended by Commonwealth Act No. 3:

"Taking into account the fact that when the accused Valentin Doquena committed the crime in question, he was a 7th grade pupil in the intermediate school of the municipality of Sual, Pangasinan, and as such pupil, he

was one of the brightest in said school and was a captain of a company of the cadet corps thereof, and during the time he was studying therein he always obtained excellent marks, this court is convinced that the accused, in committing the crime, acted with discernment and was conscious of the nature and consequences of his act, and so also has this court observed at the time said accused was testifying in his behalf during the trial of this case."

The proven facts, as stated by the lower court in the appealed order, convinces us that the appeal taken from said order is absolutely unfounded, because it is error to determine discernment by the means resorted to by the attorney for the defense, as discussed by him in his brief. He claims that to determine whether or not a minor acted with discernment, we must take into consideration not only the facts and circumstances which gave rise to the act committed by the minor, but also his state of mind at the time the crime was committed, the time he might have had at his disposal for the purpose of meditating on the consequences of his act, and the degree of reasoning he could have had at that moment. It is clear that the attorney for the defense mistakes the discernment referred to in article 12, subsection 3, of the Revised Penal Code, for premeditation, or at least for lack of intention which, as a mitigating circumstance, is included among other mitigating circumstances in article 13 of said Code. The discernment that constitutes an exception to the exemption from criminal liability of a minor under fifteen years of age but over nine, who commits an act prohibited by law, is his mental capacity to understand the difference between right and wrong, and such capacity may be known and should be determined by taking¹ into consideration all the facts and circumstances afforded by the records in each case, the very appearance, the very attitude, the very comportment and behaviour of said minor, not only before and during the commission of the act, but also after and even during the trial (*U. S. vs. Maralit*, 36 Phil., 155). This was done by the trial court, and the conclusion arrived at by it is correct.

Wherefore, the appealed order is affirmed, with the costs to the appellant. So ordered.

Avanceña, C. J., Villa-Real, Imperial, Laurel, and Concepcion, JJ., concur.

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.