

EL PUEBLO DE LAS ISLAS FILIPINAS, QUERELLANTE Y APELADO, CONTRA DIONISIO FERNANDEZ Y TABUSO, ACUSADO Y APELANTE.

G.R. No. 46713. January 29, 1940

Ponente: AVANCEÑA, C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-46713/>

AVANCEÑA, C.J.:

La siguiente es la querella en virtud de la cual se siguió esta causa:

"That on or about the 10th day of May, 1939, in the City of Manila, Philippines, the said accused, with intent to kill and with evident premeditation and treachery, did attack and use personal violence upon the person of one Martin Librera, while the latter was sleeping, by then and there beating him with a piece of wood on the head and stabbing him with a fan-knife, directing the stabs on vital parts of the body and inflicting upon him the following physical injuries, to wit:

"Wound, stab, axilla, left, lung, right, arm, right (3), neck, right, back scapular, bilateral;

"Wound, lacerated, frontal, left, parietal, left; "Wound, lacerated, with hematoma, malar, left;

"Hemothorax, secondary (?), which are by necessity mortal or dangerous to life, thereby performing all the acts of execution which would have produced the death of the said Martin Librera as a consequence but which, nevertheless, did not produce it by reason of causes independent of the will of the perpetrator, to wit, by the timely and able medical assistance rendered to the said Martin Librera."

El apelante declaró ser culpable de los hechos acusados en esta querella. El Juzgado le condenó a la pena de seis años y un día de prisión mayor, como mínima, a doce años y un día de reclusión temporal, como máxima. El delito acusado está castigado en el artículo 250, en relación con el artículo 248, del Código Penal Revisado, y la pena impuesta por el Juzgado es el grado medio de la prevista en estas disposiciones.

La defensa del apelante en esta instancia sostiene que debe ser impuesta esta pena en su grado mínimo por la concurrencia de la circunstancia atenuante de haberse declarado culpable el apelante. En la querella se alega que el apelante obró con alevosía que califica de asesinato el delito acusado y, además, con premeditación, que debe estimarse como circunstancia agravante. De esta manera la circunstancia atenuante de haberse declarado culpable el apelante queda compensada por otra agravante, debiendo por esta razón imponerse la pena señalada por la ley en su grado medio, y no en su grado mínimo, como pretende la defensa en esta instancia.

Se confirma la sentencia apelada con las costas al apelante. Así se ordena.

Villa-Real, Imperial, Diaz, Laurel, Concepcion, y Moran, MM., están conformes.

Se confirma la sentencia.

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.