

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. RAMON HONTIVEROS CARMONA, DEFENDANT AND APPELLANT.

G.R. No. 5900. December 22, 1910

Ponente: TORRES, J.

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TORRES, J.:

On the 25th of September, 1908, Ramon Hontiveros Carmona had a dispute with his mother-in-law, Potenciana Sales, on account of the latter's refusal to give him some money which he had asked of her, and the land tax receipt of a piece of property which he intended to mortgage. The defendant told his mother-in-law that she was a traitress and a conniver, as she permitted her daughter, Maria Fuentes, Hontivero's wife, to have unlawful relations with another man. On the 29th of the same month, Hontiveros told his mother-in-law that if she, of her own accord, would not leave him, he would leave her. On the night of October 3, 1908, Hontiveros, after a dispute which he had with his said mother-in-law, which arose through his jealousy of his wife, Maria Fuentes, assaulted the latter with a bolo, likewise his sisters-in-law, Eusebia and Isabel Fuentes, his aforesaid mother-in-law, Potenciana Sales, and the servant girl, Felipa Lacro. The wife, Maria, received a wound in the head and another in the left shoulder. Her nine-months-old child, which she was carrying at the time she was assaulted, was also slightly wounded in the forehead. Isabel Fuentes was wounded in the left jaw, as a result of which she was unable to work for a month. Eusebia Fuentes suffered a wound in the left forearm and elbow. The mother-in-law, Potenciana Sales, received a wound in the neck, and, finally, the servant girl, Felipa Lacro, had the lower lobe of the left ear cut in two, causing a visible deformity. Hontiveros inflicted these wounds without the least provocation on the part of the injured persons, and without any reason whatever.

The accused attacked his mother-in-law and sisters-in-law while they were eating supper; his wife, on her leaving a room of the house with a child in her arms, and the servant girl in the kitchen. The wound of Potenciana Sales, the defendant's mother-in-law, was cured in thirty days; that of Isabel Fuentes, a sister-in-law of the defendant, in thirty days; that of Eusebia Fuentes, also a sister-in-law of the defendant, in fifteen days, and that of the servant girl, who lost the lobe of her left ear, in forty-five days. The wounds of Maria Fuentes, the aggressor's wife, were cured in about sixty days, although the one in her head was poorly healed.

By reason of the foregoing facts, and in view of the preliminary investigation made by the justice of the peace of Jamindan, the provincial fiscal, on October 15, 1908, filed an information with the Court of First Instance, charging Ramon Hontiveros Carmona with the crime of lesiones graves, and this action having been instituted, the judge, upon the evidence adduced, rendered judgment on the 18th of January, 1909, and sentenced the defendant, for the most serious crime of the several included in the information, to the penalty of eight months' prison correccional, to indemnify Felipa Lacro in the sum of P25, and, in case of insolvency, to subsidiary imprisonment, and to pay the costs. From this judgment the defendant appealed.

From the facts related, which were fully proved in the present cause, it is concluded that several crimes of lesiones graves and menos graves, provided for and punished by articles 416, Nos. 3 and 4, in relation with the paragraph immediately following this last number, and 418, of the Penal Code, were actually committed; and

notwithstanding the fact that the complaint specified five punishable acts executed to the injury of an equal number of persons, withal it only charged the alleged perpetrator thereof with one crime of lesiones graves, which must be understood to be either for the wounds inflicted upon the defendant's wife, or for the one occasioned to the servant girl, both of which crimes are punished by the penalty of prision correccional in its minimum and medium degree, pursuant to the said No. 3, and the penultimate paragraph of article 416 of the Penal Code. Moreover, the crime and the commission thereof were duly proved by oral evidence, expert testimony, and by other evidence found in the record.

The defendant pleaded not guilty, and alleged that for some time past he had been suffering from fever and had not enjoyed good health; he denied that he had entertained any resentment against his wife, mother-in-law, and sisters-in-law, or that he was jealous of his wife. He testified that he did not know that he had assaulted them or the servant girl, or that he had wounded them with a bolo, and that during the entire day of the 3d of October, 1908, he had had more or less intermittent fever at intervals of a few hours, and that after he had regained consciousness, which he had lost, and on realizing his situation, he found himself outside of his house and heard voices commanding him to surrender his weapon, and that he afterwards learned that his wife's family objected to his returning to his house.

The defendant's counsel, without raising any question as to the actual commission of the alleged acts, or the allegation that the accused committed them, confined himself to the statement, in behalf of his client, that on the night of the crime the defendant was sick with fever and out of his mind and that in one of his paroxysms he committed the said acts, wounding his wife and the other members of her family, without any motives whatever.

In the absence of proof that the defendant had lost his reason or became demented a few moments prior to or during the perpetration of the crime, it is presumed that he was in a normal condition of mind. It is improper to conclude that he acted unconsciously, in order to relieve him from responsibility on the ground of exceptional mental condition, unless his insanity and absence of will are proven.

The record of the cause does not show full proof that Ramon Hontiveros, when he assaulted his wife and the other members of her family with whom she was living under the same roof, was deprived of his reason and that he did not have knowledge or complete consciousness of all that he had done. The physicians who examined him nine days after the commission of the said crimes were unable to state that the defendant was insane and completely deprived of his reason at the time he assaulted the offended parties. The mere opinion expressed by the physicians, in hypothetical terms, in regard to the possible mental condition of the accused and with respect to the circumstance that some members of the defendant's family may have been insane, does not tend to prove that the defendant was insane at the time of the commission of the crime. Acts penalized by law are always considered to be voluntary, unless the contrary be shown, and by this rule of law Ramon Hontiveros, by inflicting upon the offended parties the respective wounds, is considered to have been in a normal, healthy, mental condition, and no weight can be given to the defendant's allegation of insanity and lack of reason, which would constitute an exceptional condition; nor, for lack of evidence, can his state of mind be deemed to have been abnormal. Wherefore the defendant's guilt is unquestionable as the sole perpetrator, by direct participation, of the crime of lesiones graves, and it would not be proper to exempt him from liability.

In the commission of the said crime there is no aggravating circumstance to be considered, but there is an extenuating circumstance, that of No. 7 of article 9 of the Penal Code, inasmuch as the defendant acted under the impulse of jealousy, and therefore the penalty of prision correccional in its minimum and medium degrees should be imposed upon him in the minimum degree.

For the foregoing reasons, and as the judgment appealed from is found to be in accordance with the law, it is

proper, in our opinion, to affirm the same, which we hereby do, with the costs against the appellant who, in addition, is sentenced to the accessory penalties prescribed by article 61 of the Penal Code. So ordered.

Arellano, C. J., Johnson, Moreland, and Trent, JJ., concur.

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