

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. PRUDENCIO GARCIA, DEFENDANT AND APPELLANT.

G.R. No. 6820. October 16, 1911

Ponente: ARELLANO, C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-6820/>

ARELLANO, C.J.:

It appears in this appeal that:

- The defendant was tried for the crime of attempt against an authority, penalized by article 249, in connection with article 250, of the Penal Code, the complaint alleging that he attacked and employed force upon Manuel Serra, justice of the peace of the municipality of Tandag, Surigao, while the latter was discharging the duties of his office.

This justice of the peace was presiding at the hearing of a suit between Carmen Pascual and Calixto Espinosa, and when the decision therein had been read, or just after it had been announced, Prudencio Garcia uttered these words: "We don't agree to the decision," to which Carmen Pascual added: "Surely, not at all." The justice said to them: "If you don't agree to the decision, you can appeal by filing bond therefor." Garcia replied with a disrespectful and contemptuous remark, whereupon the justice turned to him and said: "What have you do with this case, when you are not a party to it? Please get out of here." Garcia left, but when he reached the stairway he turned back toward the justice and said in a threatening manner: "We'll see," then went downstairs. A little later the justice started home. Garcia, who was waiting for him near by, followed him and when he turned a corner went up to him, saying: "Now is a good time to get even with you, you dirty justice of the peace," and attacked him, striking him with a cane he was carrying and also slapping his face.

- These findings of fact in the judgment of the court below are based on the testimony of the offended person and corroborated by three witnesses to the scene that occurred in the court room and by two others as to the fact of the assault in the street and the remark that preceded it.

- The defendant confesses to having slapped the justice of the peace in the street, but avers that it had no connection with the trial in the court and the incidents above related, which he denies in so far as they ascribe to him a disrespectful and threatening attitude. He defends his conduct in the street by ascribing to the complainant provocation that led to the assault. But the court found that he had proved nothing on this point, and in fact he did not submit any evidence whatsoever to support this defense of his in regard to the assault.

It is plain that the defendant committed a violation of article 249 of the Penal Code, case 2, by attacking an officer in the discharge of his duties as justice of the peace, with the third of the aggravating circumstances in article 250, in that he placed his hands upon an officer of the law, for which reason the penalty was raised to the degree fixed

in the judgment.

This penalty is four years, two months and one day of prision correctional, with the accessories of article 61, a fine of P300, and in case of insolvency subsidiary imprisonment at the rate of one day for each P2.50 unpaid, and payment of the costs.

By being applied in its medium degree, because there were present neither aggravating nor extenuating circumstances, and the minimum of this medium degree, this penalty is quite just and strictly in accordance with law.

The judgment is affirmed, with the costs of this instance upon the appellant.

Torres, Mapa, Johnson, Moreland, and Trent, 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.