

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. DAMIAN SANTA ANA AND DOROTEA RAMOS, DEFENDANTS. DOROTEA RAMOS, APPELLANT.

G.R. No. 7020. March 15, 1912

Ponente: TRENT, J.

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TRENT, J.:

Damian Santa Ana and Dorotea Ramos, husband and wife, were charged in the Court of First Instance of the Province of Rizal with the crime of lesiones menos graves. Damian was acquitted and his wife found guilty as charged and sentenced to one month and one day of arresto mayor, to indemnify the offended party in the sum of P42, to the corresponding subsidiary imprisonment in the case of insolvency, and to the payment of one-half the costs of the cause. She appealed.

The appellant admits having inflicted upon the complaining party, Antonio Santos, certain wounds with a bolo. As a result of these wounds, Santos was incapacitated for the performance of his ordinary duties as a laborer for the period of twelve days. The witnesses for the prosecution, including the complaining party, testified to the effect that on the night in question Antonio Santos was seated near a tienda when Dorotea Ramos came near and stated to him that she desired to talk with him about certain matters. Santos declined to accede to this request on the ground, as he stated, that Dorotea's husband might be jealous of him and he did not want to be caught talking with her in the streets at night; that on his refusal to comply with her request, Dorotea approached him and suddenly drew a bolo from under her apparel where it was concealed and inflicted the wounds.

On the other hand, the appellant and her witnesses testify that as the appellant was going from her house to a certain tienda for the purpose of making a small purchase, she was met by Antonio Santos in a dark place, somewhat isolated from any buildings, and that Santos immediately caught her by the arm and began to drag her off the street into an uninhabited place for the purpose of forcibly having illicit relations with her. The result was that the testimony given by the prosecution was irreconcilable with that given on behalf of the appellant. The trial court, after a careful examination of the testimony, made the following finding of facts:

"The testimony of the woman herself is the more acceptable, which is to the effect that the accused Antonio Santos, upon seeing her near an isolated place, caught her by the arm, tried to drag her to an obscure spot there to take advantage of her, and that, in order to defend herself, it was necessary to wound the said Santos with the bolo that she carried."

We think the trial court reached a proper conclusion as to how the trouble occurred; but we cannot agree with his application of the law to these facts.

Article 8 of the Penal Code reads:

"The following are exempt from criminal liability:

* * * * *

"4. Anyone who acts in defense of his person or rights, provided that the following circumstances concur:

"(1) Unlawful aggression;

"(2) Reasonable necessity for the means employed to prevent or repel it;

"(3) Lack of sufficient provocation on the part of the person defending himself."

In the judgment appealed from, the first and third of these circumstances were found in favor of the appellant, but the court said that under the testimony, and taking into consideration the fact that the appellant, who is one of the most vigorous Filipinas, and Santos not being physically one of the strongest of men, it was not reasonably necessary for the appellant to have used her bolo to repel the attack which was made upon her by Santos; that she could have escaped the consequences of this act by calling for help.

Both the appellant and the offended party were married. The appellant was going along the street attending to her own business, when she was attacked by Santos. He caught her by the arm and was forcibly taking her to a dark place, off the street, for the purpose, as we have said, of having illicit relations with her. She most seriously objected and sought, by means of her own physical strength, to release herself, but Santos persisted in his attempt. It was then that the appellant used her bolo. She used it for the protection of her honor, and to repel this brutal attack which was made upon her. Santos knew that the appellant was a married woman and living happily with her husband. He also knew that if he ever could have carnal relations with her, it must be by force. So he deliberately planned to commit one of the most heinous crimes known to our criminal law; and when he received the blows inflicted by the appellant with her bolo which she carried, he was then carrying out his fiendish design or plan. Such injuries are not by any means greater than he deserved, and the appellant was perfectly justified, under the facts and circumstances, in using any kind of a weapon at her command which was necessary to repel this attack, and to continue using it until she was able to free herself from Santos' clutches. When a man becomes so debased as to lose every instinct of manhood and engages himself in the commission of so serious a crime, he certainly stakes his life and liberty in his own hands, and if he loses the latter or receives serious personal injuries, his loss is no greater than he deserves. The appellant is therefore entitled to an absolute acquittal upon the ground of self-defense.

The judgment appealed from is therefore reversed and the appellant ordered released from custody forthwith, with costs de oficio.

Arellano, C. J., Torres, Mapa, Johnson, Carson, and Moreland, JJ., concur.

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