

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. JOSE LAUREL ET AL., DEFENDANTS AND APPELLANTS.

G.R. No. 7037. March 15, 1912

Ponente: TORRES, J.

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TORRES, J.:

This appeal was raised by the four above-named defendants, from the judgment of conviction, found on page 117 of the record, rendered by the Honorable Mariano Cui.

The facts in this case are as follows: On the night of December 26, 1909, while the girl Concepcion Lat was walking along the street, on her way from the house of Exequiel Castillo, situated in the pueblo of Tanauan, Province of Batangas, accompanied by several young people, she was approached by Jose Laurel who suddenly kissed her and immediately thereafter ran off in the direction of his house, pursued by the girl's companions, among whom was the master of the house above mentioned, Exequiel Castillo; but they did not overtake him.

On the second night after the occurrence just related, that is, on the 28th, while Exequiel Castillo and Jose Laurel, together with Domingo Panganiban and several others of the defendants, were at an entertainment held on an upper floor of the parochial building of the said pueblo and attended by many residents of the town, it is alleged that the said Castillo and Laurel were invited by Panganiban, the former through his brother, Roque Castillo, and the latter, directly, to come out into the yard, which they did, accompanied by Panganiban and the other defendants referred to. After the exchange of a few words and explanations concerning the kiss given the girl Lat on the night of the 26th of that month, a quarrel arose between the said Jose Laurel and Exequiel Castillo, in which Domingo Panganiban, Vicente Garcia, and Conrado Laurel took part, and as a result of the quarrel Exequiel Castillo was seriously wounded. He succeeded in reaching a drug store near by where he received first aid treatment; Jose Laurel also received two slight wounds on the head.

Dr. Sixto Rojas, who began to render medical assistance to Exequiel Castillo early in the morning of the following day, stated that his examination of the latter's injuries disclosed a wound in the left side of the chest, on a level with the fourth rib, from 3 to 4 centimeters in depth, reaching into the lung; another wound in the back of the left arm and in the conduit through which the ulnar nerve passes, from 10 to 11 centimeters in length, penetrating to the bone and injuring the nerves and arteries of the said region, especially the ulnar nerve, which was severed; a contusion on the right temple, accompanied by ecchymosis and hemorrhage of the tissues of the eye; and, finally, another contusion in the back of the abdomen near the left cavity, which by reaction injured the stomach and the right cavity. According to the opinion of the physician above named, the wound in the left side of the breast was serious on account of its having fully penetrated the lungs and caused the patient to spit blood, as noticed the day after he was wounded, and there must have been a hemorrhage of the lung, an important vital vascular organ; by reason of this hemorrhage or general infection the patient would have died, had it not been for the timely medical aid rendered him. The wound on the back of the left arm was also of a serious nature, as the ulnar nerve was cut, with the result that the little and ring fingers of the patient's left hand have been rendered permanently useless. With respect to the contusion on the right temple, it could have been serious, according to the kind of blows

received, and the contusion on the back of the abdomen was diagnosed as serious also, on account of its having caused an injury as a result of which the wounded man complained of severe pains in the stomach and left spleen. The said physician stated that he had attended the patient for fourteen consecutive days; that the contusion on the abdomen was cured in four or five days, and that on the right temple in ten or twelve days, although this latter injury was accompanied by a considerable ecchymosis which might not disappear for about three months, the time required for the absorption of the coagulated blood; that the stitches in the wound of the left arm were taken out after twelve days, and when witness ceased to attend the patient, this wound was healing up and for its complete cure would require eight or more days' time; and that the wound in the breast, for the reason that it had already healed internally and the danger of infection had disappeared, was healing, although still more time would be required for its complete cure, the patient being able to continue the treatment himself, which in fact he did.

In view of the strikingly contradictory evidence adduced by the prosecution and by the defense, and in order to decide what were the true facts of the case we shall proceed to recite the testimony of the party who was seriously wounded and of his witnesses, and afterwards, that of his alleged assailants and of their witnesses, in order to determine the nature of the crime, the circumstances that concurred therein and, in turn, the responsibility of the criminal or criminals.

Exequiel Castillo testified that while he, together with Primitivo Gonzalez, was in the hall of the parochial building of Tanauan, attending an entertainment on the night of December 28, 1909, he was approached by his brother, Roque Castillo, who told him, on the part of Domingo Panganiban, that Jose Laurel desired to speak with him and was awaiting him on the ground floor of the said building, to give him an explanation with regard to his (Laurel's) having kissed Concepcion Lat on the night of the 26th in the street and in the presence of the witness and other young people; that the witness, Exequiel Castillo, therefore, left the parochial building, accompanied by his brother Roque and Primitivo Gonzalez, and met Sofronio Velasco, Gaudencio Garcia, and Alfonso Torres, at the street door; that after he had waited there for half an hour, Jose Laurel, Conrado Laurel, Vicente Garcia, Jose Garcia, and Domingo Panganiban, likewise came down out of the building and Jose Laurel approached him and immediately took him aside, away from the door of the building and the others; that Laurel then said to him that, before making any explanations relative to the said offense against the girl Concepcion Lat, he would ask him whether it was true that he (the witness, Castillo) had in his possession some letters addressed by Laurel to the said girl, to which the witness replied that as a gentleman he was not obliged to answer the question; that thereupon Jose Laurel suddenly struck him a blow in the left side of the breast with a knife, whereupon the witness, feeling that he was wounded, struck in turn with the cane he was carrying at his assailant, who dodged and immediately started to run; thereupon witness received another knife thrust in the left arm followed by a blow in the left side from a fist and witness, upon turning, saw Vicente Garcia and Domingo Panganiban in the act of again assaulting him; just then he was struck a blow with a cane on his right temple and, on turning, saw behind him Conrado Laurel carrying a stick, and just at that moment Primitivo Gonzalez and several policemen approached him calling for peace; his assailants then left him and witness went to the neighboring drug store where he received first aid treatment. Witness further testified that he had been courting the girl Concepcion Lat for a month; that, because his sweetheart had been kissed by Jose Laurel, he felt a little resentment against the latter, and that since then he had had no opportunity to speak with his assailant until the said night of the attack.

Roque Castillo, a witness for the prosecution, testified that, at the request of Domingo Panganiban, he had suggested to his brother, Exequiel Castillo, that the latter should go down to the door of the ground floor of the parochial building, where Jose Laurel was waiting for him, so that the latter might make explanations to him with regard to what had taken place on the night prior to the 26th of December; that Exequiel, who was in the hall beside Primitivo Gonzalez, immediately upon receiving the notice sent him in Laurel's name, got up and went down with Gonzalez and the witness, though the latter remained at the foot of the stairs in conversation with

Virginio de Villa, whom he found there; that, after a little while, witness saw Jose Laurel, Jose Garcia, Domingo Panganiban, Vicente Garcia, and Conrado Laurel come down from the said building, and, on observing something bulging from the back of the latter's waist he asked him what made that bulge, to which Laurel replied that it meant "peace;" witness thereupon said to him that if he really desired "peace," as witness also did, he might deliver to the latter the revolver he was carrying, and to prove that he would not make bad use of the weapon, Laurel might take the cartridges out and deliver the revolver to witness. This he did, the witness received the revolver without the cartridges, and his fears thus allayed, the witness returned to the upper floor to the entertainment; but that, at the end of about half an hour, he heard a hubbub among the people who said that there was a quarrel, and witness, suspecting that his brother Exequiel had met with some treachery, ran down out of the house; on reaching the ground floor he met Primitivo Gonzalez, who had blood stains on his arm; that Gonzalez then informed him that Exequiel was badly wounded; that he found his said brother in Arsenio Gonzalez' drug store; and that his brother was no longer able to speak but made known that he wanted to be shriven. Witness added that on that same night he delivered the revolver to his father, Sixto Castillo, who corroborated this statement,

The other witness, Primitivo Gonzalez, corroborated the testimony given by the preceding witness, Roque Castillo, and testified that, while he was that night attending the entertainment at the parochial building of Tanauan, in company with Exequiel Castillo, the latter received notice from his (Castillo's) brother, through Domingo Panganiban, to the effect that Jose Laurel desired to speak with him concerning what occurred on the night of December 26; that thereupon Exequiel, the latter's brother, Roque and witness all went down out of the house, though Roque stopped on the main stairway while witness and Exequiel went on until they came to the main door of the ground floor where they met Alfonso Torres and Gaudencio Garcia; that, after a while, Jose Laurel, Conrado Laurel, Vicente Garcia, Jose Garcia Aquino, and Domingo Panganiban came up; that when Jose Laurel met Exequiel Castillo he caught the latter by the hand and the two separated themselves from the rest and retired to a certain distance, although Vicente and Jose Garcia, Conrado Laurel, and Alfonso Torres placed themselves the nearest to the first two, Jose Laurel and Exequiel Castillo; that at this juncture witness, who was about 6 or 7 meters away from the two men last named, observed that Jose Laurel, who had had his hand in his pocket while he was talking with Exequiel, immediately drew out a handkerchief and therewith struck Exequiel a blow on the breast; that the latter forthwith hit his assailant, Laurel, with a cane which he was carrying; that Laurel, upon receiving the blow, stepped back while Exequiel pursued him and continued to strike him; that thereupon Vicente Garcia stabbed Exequiel, who had his back turned toward him, and Conrado Laurel struck the said Exequiel a blow on the head with a cane; that when witness approached the spot where the fight was going on, several policemen appeared there and called out for peace; and that he did not notice what Jose Garcia Aquino and Alfonso Torres did.

Lucio Villa, a policeman, testified that on hearing the commotion, he went to the scene of it and met Jose Laurel who was coming away, walking at an ordinary gait and carrying a bloody pocketknife in his hand; that witness therefore arrested him, took the weapon from him and conducted him to the municipal building; and that the sergeant and another policeman, the latter being the witness's companion, took charge of the other disturbers.

The defendant, Jose Laurel, testified that early in the evening of the 28th of December he went to the parochial building, in company with Diosdado Siansance and several young people, among them his cousin Baltazara Rocamora, for the purpose of attending an entertainment which was to be held there; that, while sitting in the front row of chairs, for there were as yet but few people, and while the director of the college was delivering a discourse, he was approached by Domingo Panganiban who told him that Exequiel Castillo wished to speak with him, to which witness replied that he should wait a while and Panganiban thereupon went away; that, a short time afterwards, he was also approached by Alfredo Yatco who gave him a similar message, and soon afterwards

Felipe Almeda came up and told him that Exequiel Castillo was waiting for him on the ground floor of the house; this being the third summons addressed to him, he arose and went down to ascertain what the said Exequiel wanted; that, when he stepped outside of the street door, he saw several persons there, among them, Exequiel Castillo; the latter, upon seeing witness, suggested that they separate from the rest and talk in a place a short distance away; that thereupon Exequiel asked witness why he had kissed his, Exequiel's sweetheart, and on Laurel's replying that he had done so because she was very fickle and prodigal of her use of the word "yes" on all occasions, Exequiel said to him that he ought not to act that way and immediately struck him a blow on the head with a cane or club, which assault made witness dizzy and caused him to fall to the ground in a sitting posture; that, as witness feared that his aggressor would continue to assault him, he took hold of the pocketknife which he was carrying in his pocket and therewith defended himself; that he did not know whether he wounded Exequiel with the said weapon, for, when witness arose, he noticed that he, the latter, had a wound in the right parietal region and a contusion in the left; that witness was thereupon arrested by the policeman, Lucio Villa, and was unable to state whether he dropped the pocketknife he carried or whether it was picked up by the said officer; that it took more than a week to cure his injuries; that he had been courting the girl Concepcion Lat for a year, but that in October, 1909, his courtship ended and Exequiel Castillo then began to court her; and that, as witness believed that the said girl would not marry him, nor Exequiel, he kissed her in the street, on the night of December 26, 1909, and immediately thereafter ran toward his house.

Baltazara Rocamora stated that, while she was with Jose Laurel on the night of December 28, 1909, attending an entertainment in the parochial building of Tanauan, the latter was successively called by Domingo Panganiban, Alfredo Yatco, and Felipe Almeda, the last named saying: "Go along; old fellow; you are friends now." Casimiro Tapia testified that, on the morning following the alleged crime, he visited Jose Laurel in the jail, and found him suffering from two bruises or contusions; that to cure them, he gave him one application of tincture of arnica to apply to his injuries, which were not serious.

Benito Valencia also testified that, while at the entertainment, he saw Domingo Panganiban approach Jose Laurel and tell him that Exequiel Castillo was waiting for him downstairs to talk to him; that Laurel refused to go, as he wished to be present at the entertainment, and that Panganiban then went away; that, soon afterwards, witness also went down, intending to return home, and, when he had been on the ground floor of the parochial building for fifteen minutes, he saw, among the many people who were there, Exequiel Castillo and Jose Laurel who were talking apart from a group of persons among whom he recognized Roque Castillo, Primitivo Gonzalez and Conrado Laurel; that soon after this, witness saw Exequiel Castillo strike Jose Laurel a blow with a cane and the latter stagger and start to run, pursued by the former, the aggressor; that at this juncture, Conrado Laurel approached Exequiel and, in turn, struck him from behind; and that the police presently intervened in the fight, and witness left the place where it occurred.

The defendant Domingo Panganiban testified that, while he was at the entertainment that night, he noticed that it threatened to rain, and therefore left the house to get his horse, which he had left tied to a post near the door; that, on reaching the ground floor, the brothers Roque and Exequiel Castillo, asked him to do them the favor to call Jose Laurel, because they wished to talk to the latter, witness noticing that the said brothers were then provided with canes; that he called Jose Laurel, but the latter said that he did not wish to go down, because he was listening to the discourse which was then being delivered, and witness therefore went down to report the answer to the said brothers; that while he was at the door of the parochial building waiting for the drizzle to cease, Jose Laurel and Felipe Almeda came up to where he was, and just then Exequiel Castillo approached the former, Laurel, and they both drew aside, about 2 brazas away, to talk; that soon afterwards, witness saw Exequiel Castillo deal Jose Laurel two blows in succession and the latter stagger and start to run, pursued by his assailant; the latter was met by several persons who crowded about in an aimless manner, among whom witness recognized Roque Castillo

and Conrado Laurel; and that he did not see Primitivo Gonzalez nor Oaudencio Garcia at the place where the fight occurred, although he remained where he was until a policeman was called.

Conrado Laurel, a cousin of Jose Laurel, testified that, on the night of December 28, 1909, .he was in the parochial building for the purpose of attending the entertainment; that he was then carrying a revolver, which had neither cartridges nor firing pin, for the purpose of returning it to its owner, who was a Constabulary telegraph operator on duty in the pueblo of Tanauan; that the latter, having been informed by a gunsmith that the said revolver could not be fixed, requested witness, when they met each other in the .cockpit the previous afternoon, to return the weapon to him during the entertainment; that, on leaving the said building to retire to his house and change his clothes, he met Roque Castillo, his cousin and confidential friend, on the ground floor of the parochial building or convent and the latter, seeing that witness was carrying a revolver, insisted on borrowing it, notwithstanding that witness told him that it was unserviceable; that, after he had changed his clothes, he left his house to return to the parochial building, and near the main door of said building he found Exequiel Castillo and Jose Laurel talking by themselves; that a few moments afterwards, he saw Exequiel strike Jose two blows with a cane that nearly caused him to fall at full length on the ground, and that Jose immediately got up and started to run, pursued by his assailant, Exequiel; that witness, on seeing this, gave the latter in turn a blow on the head with a cane, to stop him from pursuing Jose; witness fearing that the pursuer, should he overtake the pursued, would kill him; that, after witness struck Exequiel Castillo with the cane, the police intervened and arrested them; and that, among those arrested, he saw Panganiban and Vicente Garcia, and, at the place of the disturbance, Roque Castillo and Primitivo Gonzalez.

Vicente Garcia denied having taken part in the fight. He testified that he also was attending the entertainment and, feeling warm, went down out of the parochial building; that, upon so doing, he saw Domingo Panganiban and Jose Laurel, but was not present at the fight, and only observed, on leaving the building, that there was a commotion; then he heard that a policeman had arrested Jose, Laurel.

Well-written briefs were filed in first instance, both by the prosecution and by the defense; but, notwithstanding the large number of persons who must have been eyewitnesses to what occurred, it is certain that the prosecution was only able to present the witness, Primitivo Gonzalez, a relative of Exequiel Castillo, to testify as to how and by whom the assault was begun.

Each one of the combatants, Exequiel Castillo and Jose Laurel, accused the other of having commenced the assault. Castillo testified that Laurel, after the exchange of a few words between them, suddenly and without warning stabbed him with a knife, while Laurel swore that, after a short conversation Castillo struck him two blows with a cane, on which account, in order to defend himself, he seized a pocketknife he carried in his pocket. In view, therefore, of these manifest contradictions, and in order to determine the liability of the defendant, Jose Laurel, who, it is proved, inflicted the serious wound on Exequiel Castillo, it is necessary to decide which of the two was the assailant.

Taking for granted that Jose Laurel did actually kiss Concepcion Lat in the street and in the presence of Exequiel Castillo, the girl's suitor, and of others who were accompanying her, the first query that naturally arises in the examination of the evidence and the circumstances connected with the occurrence, is: Who provoked the encounter between Laurel and Castillo, and the interview between the same, and who invited the other, on the night of December 28, 1909, to come down from the parochial building of Tanauan, to the lower floor and outside the entrance of the same? Even on this concrete point the evidence is contradictory, for, while the witnesses of Exequiel Castillo swore that the latter was invited by Jose Laurel, those of the latter testified, in turn, that Laurel was invited three consecutive times by three different messengers in the name and on the part of the said Castillo.

In the presence of this marked contradiction, and being compelled to inquire into the truth of the matter, we are forced to think that the person who would consider himself aggrieved at the kiss given the girl Concepcion Lat, in the street and in the presence of several witnesses, would undoubtedly be Exequiel Castillo, the suitor of the girl, and it would appear to be a reasonable conclusion that he himself, highly offended at the boldness of Jose Laurel, was the person who wished to demand explanation of the offense.

Upon this premise, and having weighed and considered as a whole the testimony, circumstantial evidence, and other merits of the present case, the conviction is acquired, by the force of probability, that the invitation, given through the medium of several individuals, came from the man who was offended by the incident of the kiss, and that it was the perpetrator of the offense who was invited to come down from the parochial building to the ground floor thereof to make explanations regarding the insult to the girl Lat, the real suitor of whom was at the time the said Exequiel Castillo. All this is not mere conjecture; it is logically derived from the above related facts.

Both Jose and Exequiel were attending the entertainment that night in the upper story of the parochial building. Exequiel was the first who went below, with his cousin, Primitivo Gonzalez, knowing that Laurel remained in the hall above, and he it was who waited for nearly half an hour on the ground floor of the said building for the said Jose Laurel to come down. The latter was notified three times, and successively, in the name and on the part of Exequiel Castillo, first by Domingo Panganiban, then by Alfredo Yatco and finally by Felipe Almeda—three summonses which were necessary before Jose Laurel could be induced, after the lapse of nearly half an hour, to come down. Meanwhile, for that space of time, Exequiel Castillo was awaiting him, undoubtedly for the purpose of demanding explanations concerning the offensive act committed against his sweetheart. The natural course and the rigorous logic of the facts can not arbitrarily be rejected, unless it be shown that other entirely anomalous facts occurred.

If, in the natural order of things, the person who was deeply offended by the insult was the one who believed he had a right to demand explanations of the perpetrator of that insult, it is quite probable that the aggrieved party was the one who, through the instrumentality of several persons, invited the insulter to come down from the upper story of the parochial building, where he was, and make the explanations which he believed he had a right to exact; and if this be so, Exequiel Castillo, seriously affected and offended by the insult to his sweetheart, Concepcion Lat, must be held to be the one who brought about the encounter, gave the invitation and provoked the occurrence, as shown by his conduct in immediately going down to the entrance door of the said building and in resignedly waiting, for half an hour, for Jose Laurel to come down.

Moreover, if the latter had provoked the encounter or interview had on the ground floor of the building, it is not understood why he delayed in going down, nor why it became necessary to call him three times, in such manner that Exequiel Castillo had to wait for him below for half an hour, when it is natural and logical to suppose that the provoking party or the one interested in receiving explanations would be precisely the one who would have hastened to be in waiting at the place of the appointment; he would not have been slow or indisposed to go down, as was the case with Jose Laurel.

If, as is true, the latter was the one who insulted the girl Concepcion Latan insult which must deeply have affected the mind of Exequiel Castillo, the girl's suitor at the time—it is not possible to conceive, as claimed by the prosecution, how and why it should be Jose Laurel who should seek explanations from Exequiel Castillo. It was natural and much more likely that it should have been the latter who had an interest in demanding explanations from the man who insulted his sweetheart. In view of the behavior of the men a few moments before the occurrence, we are of the opinion that Castillo was the first to go down to the entrance door of the parochial building, knowing that Jose Laurel was in the hall, and, notwithstanding the state of his mind, he had the patience to wait for the said Laurel who, it appears, was very reluctant to go down and it was necessary to call him three

times before he finally did so, at the end of half an hour.

After considering these occurrences which took place before the crime, the query of course arises as to which of the two was the first to assault the other, for each lays the blame upon his opponent for the commencement of the assault. Exequiel Castillo testified that after he had replied to Jose Laurel that he, the witness, was not obliged to say whether he had in his possession several letters addressed by Laurel to the girl Concepcion Lat, Laurel immediately stabbed him in the breast with a knife; while Jose Laurel swore that, upon his answering the question put to him by Castillo as to why witness had kissed his sweetheart, saying that it was because she was very fickle and prodigal of the word "yes" on all occasions, Exequiel said to him in reply that he ought not to act in that manner, and immediately struck him a couple of blows on the head with a club, wherefore, in order to defend himself, he drew the knife he was carrying in his pocket.

Were the statements made by Exequiel Castillo satisfactorily proven at the trial, it is unquestionable that Jose Laurel would be liable as the author of the punishable act under prosecution; but, in view of the antecedents aforerelated, the conclusions reached from the evidence, and the other merits of the case, the conclusion is certain that the assault was commenced by Exequiel Castillo, who struck Jose Laurel two blows with a cane, slightly injuring him in two places on the head, and the assaulted man, in self-defense, wounded his assailant with a pocketknife; therefore, Jose Laurel committed no crime and is exempt from all responsibility, as the infliction of the wounds was attended by the three requisites specified in paragraph 4, article 8 of the Penal Code.

From the evidence, then, produced at the trial, it is concluded that it was Exequiel Castillo who, through the mediation of several others, invited Laurel to come down from the upper story of the parochial building, and that it was he, therefore, who provoked the affray aforementioned, and, also, it was he who unlawfully assaulted Jose Laurel, by striking the latter two blows with a cane inasmuch as it is not likely that after having received a dangerous wound in the left breast, he would have been able to strike his alleged assailant two successive blows and much less pursue him. It is very probable that he received the said wounds after he had assaulted Jose Laurel with the cane, and Laurel, on his part, in defending himself from the assault, employed rational means by using the knife that he carried in his pocket.

For all the foregoing reasons, Jose Laurel must be acquitted and held to be exempt from responsibility on the ground of self-defense. The case falls within paragraph 4 of article 8 of the Penal Code, inasmuch as the defensive act executed by him was attended by the three requisites of illegal aggression on the part of Exequiel Castillo, there being a lack of sufficient provocation on the part of Laurel, who, as we have said, did not provoke the occurrence complained of, nor did he direct that Exequiel Castillo be invited to. come down from the parochial building and arrange the interview in which Castillo alone was interested, and, finally, because Laurel, in defending himself with a pocketknife against the assault made upon him with a cane, which may also be a deadly weapon, employed reasonable means to prevent or repel the same.

Under the foregoing reasoning, the other accused, Conrado Laurel and Vicente Garcia who, likewise, were convicted as principals of the crime under prosecution, are comprised within the provisions of paragraph 5 of the said article 8 of the Penal Code, which are as follows:

"He who acts in defense of the person or rights of his spouse, ascendants, descendants, or legitimate, natural, or adopted brothers or sisters, or of his relatives by affinity in the same degrees and those by consanguinity within the fourth civil degree, provided the first and second circumstances mentioned in the foregoing number are attendant, and provided that in case the party attacked first gave provocation, the defender took no part therein."

Conrado Laurel and Vicente Garcia, first cousins of Jose Laurel, as shown in the trial record to have been proven

without contradiction whatsoever, did not provoke the trouble, nor did they take any part in the invitation extended to Jose Laurel in the name of and for Exequiel Castillo; in assisting in the fight between Castillo and Laurel, they acted in defense of their cousin, Jose Laurel, when they saw that the latter was assaulted, twice struck and even pursued by the assailant, Castillo; consequently Conrado Laurel and Vicente Garcia have not transgressed the law and they are exempt from all responsibility, for all the requisites of paragraph 4 of the aforesaid article attended the acts performed by them, as there was illegal aggression on the part of the wounded man, Exequiel Castillo, reasonable necessity of the means employed to prevent or repel the said aggression on the part of the aforementioned Conrado Laurel and Vicente Garcia, who acted in defense of their cousin, Jose Laurel, illegally assaulted by Exequiel Castillo, neither of the said codefendants having provoked the alleged crime.

With regard to Domingo Panganiban, the only act of which he was accused by the wounded man, Exequiel Castillo, was that he struck the latter a blow on the left side with his fist, while Castillo was pursuing Laurel.

Domingo Panganiban denied that he took part in the quarrel and stated that he kept at a distance from the combatants, until he was arrested by a policeman. His testimony appears to be corroborated by that of Primitivo Gonzalez, a witness for the prosecution and relative of Exequiel Castillo, for Gonzalez positively declared that Panganiban was beside him during the occurrence of the fight and when the others surrounded the said Exequiel Castillo; it is, therefore, neither probable nor possible that Panganiban engaged in the affray, and so he contracted no responsibility whatever.

Exequiel Castillo's wounds were very serious, but, in view of the fact that conclusive proof was adduced at the trial, of the attendance of the requisites prescribed in Nos. 4 and 5 of article 8 of the Penal Code, in favor of those who inflicted the said wounds, it is proper to apply to this case the provision contained in the next to the last paragraph of rule 51 of the provisional law for the application of the said code.

With respect to the classification of the crime we believe that there is no need for us to concern ourselves therewith in this decision, in view of the findings of fact and of law made by the court below upon the question of the liability of the defendants.

By reason, therefore, of all the foregoing, we are of opinion that, with a reversal of the judgment appealed from, we should acquit, as we do hereby, the defendants Jose Laurel, Vicente Garcia, Conrado Laurel, and Domingo Panganiban. They have committed no crime, and we exempt them from all responsibility. The costs of both instances shall be de oficio, and the bond given in behalf of the defendants shall immediately be canceled.

Johnson, Carson, Moreland, and Trent, JJ., concur.

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