

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. NUMERIANO RAMOS, DEFENDANT AND APPELLANT.*G.R. No. 7900. October 18, 1912*

Ponente: TORRES, J.

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This is an appeal by the defendant, Numeriano Ramos, from the judgment of February 14, 1912, whereby the Honorable Mariano Cui, judge, sentenced him to the penalty of fourteen years eight months and one day of reclusion temporal, to indemnify the heirs of the deceased in the sum of P1,000, and to pay the costs.

Between 8 and 9 o'clock at night of the 16th of June, 1910, Pedro Ramirez, while in his house on Calle Fe, of the pueblo of Balayan, heard the screams of a person who was crying out "murder." He therefore immediately went down out of his house to see what was happening and, on his arrival at a place some 20 or 25 meters from the front of Andres Codiamat's house, he found Severino de Chaves lying on the ground; the latter stated that he had been wounded by the defendant, Numeriano Ramos, his godfather, and begged the witness to take him to the municipal building, which Ramirez did, where the wounded man was seated on a chair.

Coincident with this occurrence, Mauricio Aesquivel, a police corporal, and Teofilo Javier, a policeman, were going along the said Calle Fe and upon arriving in front of the house of Lorenzo Ermita heard some one cry out "murder," and they then saw Numeriano Ramos, who was coming rapidly toward them, turn toward the south into an alley known by the name of Piit; thereupon the policemen asked him what had happened and ordered him to halt. Ramos, however, paid no attention to them and hastened his steps. The officers pursued him and, when they were about to catch up with him, called upon him to recognize the authority of the law; the defendant faced them and said: "Please do not approach, lest you bring misfortune upon yourselves, for the dagger I have is stained with blood." They in fact noticed that Ramos held a bloody dagger in his hand and that his right hand was also stained with blood. After saying these words, the defendant continued to run along Calle Paz and headed toward some land planted with nipa-palms, among which he entered. As the policemen were unarmed, for they were not on duty at the time, they called some other officers, by means of their whistles, and started for the municipal building to get their arms. While on their way they advised three policemen, who had responded to their call, to watch the place where Numeriano Ramos had entered, but, upon their return thereto, were unable to find the defendant.

As soon as the wounded man, Severino de Chaves, arrived at the municipal building, the justice of the peace, Julian Calzado, in view of Chaves' serious condition and the statement that he was dying, took his sworn declaration in the form of written questions and answers, in which the patient declared that he had been wounded in the abdomen and the left hand by Numeriano Ramos. This statement was made by Chaves to those in the municipal building who were present, and was heard by the said policemen, Aesquivel and Javier, when they went to and were in this building for the purpose of getting their arms.

The examination of the wounded man by the physician, Vicente Ramos, disclosed that he bore an angular-shaped wound, two centimeters in length by two and a half in depth, from left to right, in the upper part of the hypogastric

region, produced by a sharp-pointed, cutting instrument and of undeterminable diagnosis, owing to the complications which might ensue on account of its proximity to important organs; a wound of about three centimeters in length in the palm of the left hand, affecting the skin and the soft parts, curable in seven days; and other wounds in the under side of the last phalanges of the fingers of the left hand, produced by a cutting instrument and, likewise, curable in seven days. On the night of the following day, the 17th, Severino de Chaves died, as a result of the wound in the abdomen.

For the foregoing reasons, and in view of the preliminary investigation made, the provincial fiscal filed an information in the Court of First Instance of the province, on October 23, 1910, charging Numeriano Ramos with the crime of murder, and, upon the institution of this case, the judgment appealed from was rendered.

There was no eyewitness to the deadly assault upon Severino de Chaves in Calle Fe, of the pueblo of Balayan, between 8 and 9 o'clock of the night of the 16th of June; 1910, the only neighbor, Pedro Ramirez, who responded to the cry of a person who was calling for help, saying that he was going to be killed, upon arrival at the place whence the cry had come, found Chaves stretched out on the ground and dangerously wounded, and he died on the following day. Ramirez did not witness the assault which Chaves said Numeriano Ramos had made upon him a few moments before, and did not see the latter at the place of the crime. These facts, perfectly proven in the present case, are characteristic of the crime of homicide, provided for and punished by article 404 of the Penal Code, as the record does not show the presence of any of the qualifying circumstances enumerated in article 403 of the said code.

The evidence furnishes full and conclusive proof of the guilt of the defendant, Numeriano Ramos, as the sole perpetrator by direct participation, fully convicted, of the homicide in question. From the first moment that the wounded Chaves had Pedro Ramirez at his side, who had come in response to his cries for help, he freely stated to the latter that he had been assaulted and wounded by Numeriano Ramos, and, fearing that the wound he had received in the hypogastric region was dangerous and that he should die of it, he begged Ramirez to take him to the municipal building, where he repeated the same statements to his wife, Gliceria Caliope, to the physician, and to the justice of the peace, Julian Calzado, who took his sworn declaration, saying repeatedly to all these parties, as well as to the corporal, Mauricio Aesquivel, and to the policeman, Teofilo Javier, that he felt badly and was going to die as a result of the wound inflicted in his abdomen by the defendant, and that he had given up all hope of living. At the very time that Pedro Ramirez came up to help the unfortunate Severino Chaves, who was lying at full length in the street aforementioned, the defendant was seen in the same street by the police officers, Mauricio Aesquivel and Teofilo Javier, who chanced to be walking along there; his right hand was stained with blood and grasped a dagger or pocketknife, which was likewise bloody; he would not halt on being commanded to do so, and, after threatening the said officers, ran toward the inner part of a piece of land planted to nipa-palms; all of which conduct on the part of the defendant, Numeriano Ramos, as well as the circumstances of having blood on his right hand and his carrying at the time a weapon also stained with blood, constitute grave and conclusive circumstantial evidence of his guilt, as derived from facts duly proven.

And if, to the testimony of several trustworthy witnesses who heard the ante-mortem statements of the deceased, and to the aforementioned circumstantial evidence, there be added the corroborative evidence derived from the defendant's disappearance from the place of his residence, without his being found from the night of the crime, June, 16, 1910, until he was arrested by the Constabulary, on the 7th of the following month of October, which is also circumstantial evidence of guilt all these data combined and weighed together in connection with the other merits of the case, in accordance with the rules of sane judgment and good common sense, produce in the mind a full conviction of the guilt of the defendant, beyond all reasonable doubt, as the sole proved perpetrator of the mortal wound inflicted upon the deceased, Severino de Chaves.

The defendant pleaded not guilty, but, notwithstanding his denial and his exculpatory allegations, absolutely devoid of proof and shown at trial to be completely false, the record discloses full and irrefutable proof that, on account of resentment and trouble with the deceased and the latter's wife, and without just or legitimate motive, he assaulted and inflicted the mortal wound upon the hapless Chaves.

Thus it is not true that the defendant, on the night and hour of the crime, was, as he alleged, at his brother Teofilo's house in company with Melecio Daola and Candida Ramos, at a considerable distance from the place of the crime, because, besides this brother, who corroborated his allegation, his other relatives, Daola and Candida, were not presented as witnesses in his defense; and it is undeniable that, a few moments after the crime, the policemen, Aesquivel and Javier, saw him walking fast with his right hand covered with blood and carrying a bladed weapon, also bloody, in the same street where the deceased was assaulted and found stretched upon the ground.

Ramos alleged, in justification of his conduct, that he had accompanied the deceased to Sablayan, Mindoro, to do some business in connection with stock, under the promise made to him that he should receive one-third of the profits; but that afterwards, notwithstanding that the business produced a profit of P1,200, the deceased refused to give him even so much as two pesos, and would give him no money at all in spite of his requests and the fact that his family had nothing to eat, wherefore he was obliged to borrow some money from Domingo de Jesus, who corroborated this latter statement. The wife of the deceased, however, contradicted the defendant. She testified that it was not true that her husband owed him any sum whatever, for the reason that she paid him P20 for his services in accompanying her husband to Mindoro, in accordance with the agreement made, and ₱10 more for getting four head of stock, left on that island; so that the defendant, when he with his family left the deceased's residence, was able to buy a house for P30. This testimony was corroborated by Julian Caliope.

Judging, from the testimony of the deceased's wife, the motive of the attempt against the life of her deceased husband appears to have been the following: One week after the return of her husband and the defendant from Mindoro the former received a letter from Rufino Papa, in whose house in Sablayan, Mindoro, they had lodged, informing the deceased and witness that the defendant had abstracted or stolen money from his house; therefore witness and her husband begged Ramos to tell the truth, and in fact he confessed to them that he did take the money, but when Chaves was about to write to Papa, Ramos told these spouses that he could not admit the charge, as he had not been caught in the act; then witness and her husband both reproached the defendant, asking him how he could act in such wise, since they were willing to pay for what had been stolen; at this the defendant took offense and with his family left Chaves' house. One week after this occurrence, the deceased was assaulted and mortally wounded in the street.

In the commission of the crime, there is no extenuating or aggravating circumstance to be considered, since it does not appear that the defendant chose and took advantage of the darkness of the night for the purpose of killing Severino de Chaves.

With respect to the errors assigned by the defense to the judgment appealed from, it is sufficient for the purposes of this decision to state that, in view of the fact that a person had been seriously wounded and repeatedly designated his assailant, the justice of the peace proceeded properly, in accordance with law, by conducting the required preliminary investigation and ordering the capture of the designated author of the crime, since he was not found and had disappeared from the place of his residence. The provisions of section 41 of Act No. 1627 were complied with,

An information having been filed by the provincial fiscal, the judge acted according to law in confirming the imprisonment of the defendant and refusing to release him; and no error was committed by permitting the fiscal to

amend the date of the year of the complaint, inasmuch as the said amendment, made by striking out the last word and substituting in lieu thereof "1910," impaired none of the rights of the defendant, who well knew that he committed the crime on the night of June 16th, 1910, and not in June, 1911.

As regards the declaration made by the deceased several hours prior to his death, and which was taken into account in the judgment appealed from, it must be observed that his repeated statements made before various persons, and, under oath, to the justice of the peace, relative to his dangerous wound, his approaching death without hope of living, the identity of his aggressor, and to the circumstances of the assault made upon him, are admissible in a criminal action with the testimony of the witnesses who heard such statements, according to off-expressed opinions in the decisions of this court, which have already become well-settled legal doctrine. (U. S. vs. Montes, 6 Phil. Rep., 443; U. S. vs. Gil, 13 Phil. Rep., 530; and U. S. vs. Castellon, 12 Phil. Rep., 160.)

Even granting the truth of the supposition advanced by the defense, that the fear and nervousness felt by the deceased were more the cause of his death than the gravity of his wound, it must nevertheless be borne in mind that' he who inflicted the serious wound which caused the death of Severino de Chaves is responsible for the consequences that ensued, and that the physical condition and temperament of the wounded man can be no reason for lessening or reducing the extent of such harm, because the gravity of the injury caused is measured by the results it produces; therefore, if the wound inflicted upon the offended party was a determinative cause of his death, it is unquestionable that the crime should be classified as homicide.

For all the foregoing reasons, and since the judgment appealed from, the errors assigned to which have been refuted, is in accordance with the law, it is, proper, in our opinion, to affirm and we hereby affirm the said judgment, with the costs against the appellant.

Arellano, C. J., Mapa, Johnson, Carson, and Trent, JJ., concur.

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