

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. FELIPE LASTIMOSA, DEFENDANT AND APPELLANT.

G.R. No. 9178. March 30, 1914

Ponente: ARAULLO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-9178/>

ARAULLO, J.:

The defendant was sentenced by a judgment of the Court of First Instance of Leyte, dated June 11, 1913, as guilty of the crime of murder, to the penalty of twenty years of cadena temporal, to indemnify the family of the deceased Lucas Prieto in the sum of P500, and to pay the costs. Appealing from said judgment, he alleges in his defense in this instance that the trial court erred in weighing the evidence submitted by the prosecution, as well as in not finding as a result of such evidence a very grave and reasonable doubt in his favor and in not declaring him to be entitled to the benefits of the amnesty proclaimed by the President of the United States on July 4, 1902.

The deed with which Felipe Lastimosa. was charged in the complaint, is that he did willfully, unlawfully and criminally, with deliberate premeditation and assisted by a certain Pedro and one Isco, treacherously inflict death upon Lucas Prieto one day in the month of February, 1901, in the municipality of Baybay, Province of Leyte, in these Islands, by slashing said Prieto in the abdomen with a bolo and cutting his throat, while he was bound and held by the said Pedro and Isco.

According to the testimony of Demetria Prieto, daughter of the deceased, her father was inside their house in the mountains of Baybay when the men named Pedro and Isco bound him up by order of Iping Lastimosa, that is, the defendant Felipe Lastimosa. Upon seeing this she fled in fear and did not afterwards see her father. She added that her mother at that time also ordered her to run away, because her father had been caught by Iping, who falsely attributed to him the theft of a carabao of his. Finally, since that date, she had not again seen Pedro, or Isco, or the defendant, nor had she returned to her home; and her mother, now deceased, had told her in her aunt's house the morning after the crime that Felipe was the one who had killed her father.

Hilario Laguna, a neighbor of Lucas Prieto's, whose house was about 10 brazas from his, testified that on that occasion he saw Prieto and Felipe engaged in a dispute, and when he casually left his house he saw four persons, the deceased, the defendant Iping, Pedro, and Isco, also leaving Prieto's house; the latter's two hands were tied with a rope which was held by Pedro, who was behind him, the other two being on each side, that is, Isco on his left and the defendant Felipe on his right. The latter struck Prieto a blow with his bolo on the right side of the neck, so that only a very small portion of his head was left attached to his body and he died immediately after the blow. The witness then took to flight and did not again see Felipe Lastimosa and his companions, because they fled from the place. This witness added that the occurrence took place at 7 o'clock in the evening; that there was a light in the deceased's house which illuminated that spot; that he was at a distance of 7 brazas from them; and finally, that he had previously known the accused and his two companions. He had been informed by the wife of the deceased that the cause of the occurrence was that her husband was charged with the theft of a carabao.

According to another neighbor of the deceased, one Mateo Montajes, whose house was opposite at a distance of

10 brazas, the wife of the deceased had run to it about 7 o'clock in the evening of the day in question begging him to help her husband because he was being killed. He went toward the place of the occurrence, concealing himself about 3 brazas from the place where the defendant Felipe Lastimosa and his companions Pedro and Isco, whom he had known previously, were; he saw them going away and Lucas Prieto dead, with his neck almost completely cut through and a very small portion of his head attached to his body. The corpse was picked up by the deceased's own brothers about 10 o'clock the next morning. When asked if he had testified before the justice of the peace that Lucas' corpse bore two wounds, one in the abdomen and the other in the neck, this same witness replied that blood showed on the body but that he had not ascertained whether there was a wound or not.

Finally, the defendant himself, in testifying as a witness in his own behalf, stated that Lucas Prieto had stolen a carabao from him; that he went to his house to ask him if he had stolen it, and Prieto had replied in the affirmative, adding: "You and all the strangers here and your master are marked to be killed." He decided to go to the town hall of Baybay to report the theft to the revolutionary leader called Capili, because the revolution was then in full swing, and having done so, Capili gave him an order, saying: "All right, you go back to the place, accompanied by these two whom I send with you, to get the carabao and if he does not deliver it to you, kill him." He then went back to Lucas Prieto's house, accompanied by two insurgents who belonged to Capili's band, one of them called Isco, all three being armed with bolos.

When they reached the house and called up a greeting from below, Lucas came down carrying a reaping hook and immediately asked them: "Who are you?" When his two companions replied, "We've come to get the carabao," Lucas said, "Yes, you can get the carabao, but choose between your lives and the carabao." His companions then retreated, because it appeared that Lucas' intention was to kill them, and as he observed that a quarrel was arising between the two who had accompanied him and Lucas, who was the one that began the attack, he retreated a distance of about 3 brazas; he did not know which of his two companions it was that slashed Lucas, who was not then bound. He added that there was a light in the house but that it did not illuminate the place where they were, and finally that he saw there the corpse of Lucas, which had only a single wound in the neck.

As appears from the evidence taken at the trial, the defendant has corroborated the story of the prosecution's witnesses with reference to the fact that Lucas Prieto was violently killed on the occasion they speak of, and for the motive assigned by some of them, although by hearsay from the wife of the deceased. The defendant himself has also explicitly acknowledged that he was the person directly interested in the matter that furnished the motive for the crime, which was the recovery of the carabao that, according to him, Lucas Prieto had stolen from him; and that it was he to whom Capili gave the order to go to the place, accompanied by the two insurgents or revolutionists, in order to recover the carabao or kill Prieto if he did not deliver the animal to them. On the other hand, it is unlikely that Prieto would have dared to threaten and attack the defendant and his two companions, the three of them being armed as they were with bolos, when they appeared at his house to demand of him the return of the carabao. If to all this be added the consideration that there is no proof nor a single circumstance in the case which would indicate that either the daughter of the deceased or the other two witnesses took any special interest in incriminating the defendant, for the former confined herself to telling solely what she had seen, when she might also have said, without fear that any one would contradict her, that she saw the defendant himself wound her father with the bolo; and the other two witnesses told what, under the circumstances, each one of them could have seen, the conclusion is reached that it is proven beyond a reasonable doubt that it was the defendant who killed Lucas Prieto with the bolo he carried, while the victim had his hands tied with a cord held by one of defendant's companions and he was watched by the other, the three having bound the deceased inside his own house before taking him downstairs under the same house, where they accomplished his death.

The accused, then, is criminally responsible therefor as a principal, and would be responsible as such although he

had not materially committed the crime himself. For it was proven that he took a direct part in its execution and cooperated therein by acts without which it could not have been accomplished. In the first place he went to lay his complaint against Lucas Prieto before the revolutionary leader Capili; from him he secured the order to go with his companions to either recover the carabao or kill Prieto; with his comrades he repaired to Lucas Prieto's house to carry out the order and lastly, he witnessed the execution of that part of the order that related to the killing of Prieto, always supposing that it was not he himself who carried it out but one of his said two companions. He did not prevent it, as he might well have done, seeing that the order was issued by Capili for defendant's benefit. On the contrary, he required compliance with the order, for no other meaning could be attached to his presence in the act, interested as he was in securing the recovery of the carabao from decedent whom he accused of stealing the beast.

"Persons who are present during the commission of a crime and lend their moral support thereto without actively participating therein are nevertheless guilty as principals." (U. S. vs. Ancheta, 1 Phil. Rep., 165.)

"One who shares the guilty purpose and encourages and abets the crime by his presence at the time of its perpetration is guilty as principal even though he may have taken no part in its material execution." (U. S. vs. Santos, 2 Phil. Rep., 453.)

"In order to warrant a conviction as principal in the crime of murder, it is not necessary that the defendants should have taken an active and material part in its commission, but such conviction will also be sustained if it appears that the defendant did willingly stay with those who took a material part and was voluntarily present from the time the crime was commenced until it was consummated." (U. S. vs. Balisacan, 4 Phil. Rep., 545.)

It having been conclusively proven that the deceased had his hands tied when he was mortally wounded in the neck, by which means the perpetrators of the crime especially and directly assured the consummation of their purpose with out any risk to their own persons that could proceed from any defense he might put up, the crime committed by the defendant must be classified as murder, under article 403 of the Penal Code, by reason of the concurrence of the qualifying circumstance of treachery, and there must be imposed upon him the penalty set forth in said article for that crime.

He cannot be considered as entitled to the benefits of the amnesty granted on July 4, 1902, because the crime in question was not perpetrated for political reasons or as a consequence of hatreds, feuds, or dissensions of a political character between the deceased and the defendant or between the former and the revolutionary leader Capili, it having been merely a means of personal revenge put into execution by the defendant against the deceased on the supposition that the latter had stolen an animal belonging to him.

The trial court has not, therefore, in the judgment appealed from, incurred any of the errors assigned by the defense in its brief. In the commission of said crime there has concurred the generic aggravating circumstance that the deed was executed in the dwelling of the offended party without provocation on the part of the victim, for the defendant and his companions bound him inside his own house and later took him in that manner to a place near by, where the crime was consummated, a fact which cannot hinder the holding of said circumstance, because, as the supreme court of Spain has declared in a decision of October 9, 1875, the act performed cannot, for the purposes of such holding, be divided or its unity be broken up, when the offender began the aggression in the dwelling of the offended party and ended it in the street or outside of said dwelling. Nevertheless, the defendant must be given the benefit of the provisions of article 11 of the Penal Code, as amended by Act No. 2142. This extenuating circumstance will offset the generic aggravating one set forth above, wherefore the penalty fixed for the crime ought to be imposed in its medium degree.

Therefore, we sentence the defendant to the penalty of life imprisonment (*cadena perpetua*), with the accessories of article 54 of the said Code, to such extent modifying the judgment appealed from with reference to the personal

penalty imposed therein upon him, and affirming it in other respects with the addition that he shall not suffer subsidiary imprisonment for insolvency of the indemnity, in view of the nature of the principal penalty; with the costs of both instances against the appellant.

Arellano, C. J., Carson, 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.