

4 Phil. 293

[G.R. No. 1605. March 17, 1905]

**THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. SIMEON MANAYAO ET AL.,
DEFENDANTS AND APPELLANTS.**

D E C I S I O N

CARSON, J.:

Simeon Manayao and Angel Manayao, the appellants in this case, were charged with *homicidio*, committed on the person of one Mateo Margarejo on the night of June 23, 1903, in the barrio of Laog, in the municipality of Angat, in the Province of Bulacan.

It appears that one of the accused, Simeon Manayao, and the deceased, Mateo Margarejo, were rivals in a love affair in their native village, and that their mutual jealousies gave rise to an altercation in a store or *tienda* in said village, in which a number of their friends and acquaintances took sides.

After some words the parties left the store and started for their homes, but on the road the quarrel was renewed between the two accused on one side, and the deceased and one of his friends on the other. Finally the parties came to blows, and Simeon Manayao drew his pocketknife and stabbed the said Mateo Margarejo in the side, inflicting a wound from the effects of which said Margarejo died a few hours later.

That the fatal blow was struck by Simeon Manayao is conclusively proven by the evidence of one Martin Salvador, who was with the deceased at the time of the occurrence, and who stated that he saw the said Simeon Manayao stab the deceased with a penknife; this evidence is

corroborated by the statement made at the trial by Simeon Manayao himself, who testified that he and his companion having been attacked by a number of others, he “drew his knife, which he had in his pocket, and with it cut his way through his opponents and escaped.”

The commission of the offense was marked by none of the aggravating circumstances mentioned in the Penal Code and appears to have been the result of a sudden burst of passion arising out of a wordy quarrel (*arrebato* and *obcecacion*) which, under the provisions of paragraph 7 of article 9 of said code, should be taken into consideration as an extenuating circumstance in fixing the penalty for offenses of this nature.

Upon this statement of facts we are of opinion that the said Simeon Manayao was guilty of the crime of *homicidio*

with which he was charged, but we think that there is not sufficient evidence in the record to support a finding of guilty as to Angel Manayao. The proof shows that the deceased received but one wound, and, while it is true that Angel Manayao took sides with said Simeon Manayao in the quarrel, there is nothing in the evidence to show that he joined in the commission of the *homicidio*, either as principal or accomplice. There is nothing to show concerted action between the said Angel Manayao and Simeon Manayao in the use of the knife and in the stabbing which resulted in the death of the said Margarejo, nor that the said Angel Manayao had any reason to believe that his companion intended to make a deadly attack on the deceased.

The trial court was of opinion that the accused were jointly responsible for the crime committed, but found them guilty not of homicide but of inflicting a grave wound during the course of a tumultuous quarrel, and imposed the penalty as provided by paragraph 1 of articles 416 and 420 of the Penal Code.

This sentence is not in accordance with the law and the evidence, and should be reversed; the said Angel Manayao should be acquitted of the crime with which he is charged, and the costs of both instances declared *de officio* as to him; and there should be imposed upon the said Simeon Manayao a sentence of twelve years and one day of *reclusion temporal*,

the accessory penalties prescribed by article 60 of the Penal Code, the payment of one-half the costs of both instances, and an indemnification of 500 pesos to the lawful heirs of the deceased. So ordered.

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

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