

3 Phil. 329

[ G.R. No. 1460. February 16, 1904 ]

**THE UNITED STATES, COMPLAINANT AND APPELLEE, VS. MAXIMO GUILLERMO,  
DEFENDANT AND APPELLANT.**

**D E C I S I O N**

**MAPA, J.:**

It is a fact plainly proven in this case that the accused attacked the victim with a pocket knife, causing a wound in the left hypochondrium which caused his death on the fourth day. Two witnesses who were present testified under oath regarding the said assault and its results, their testimony having been confirmed by the statements made by the deceased to his wife and to the physician who attended him. The physician testified that the wound was mortal. The same witnesses and the accused himself also testified to the fact of the death of the deceased.

The act charged constitutes the crime of homicide, defined and punished by article 404 of the Penal Code. There is to be considered in favor of the defendant mitigating circumstance 6 of article 9, he having committed the act while in an intoxicated condition, which was not habitual with him, as is sufficiently proven by the evidence in the case.

Therefore the sentence of twelve years and one day of *reclusion temporal* imposed on the defendant by the Court of First Instance is in accordance with the law. The defendant is also sentenced to pay to the heirs of the deceased an indemnity of 1,000 pesos, Philippine currency.

With the addition of sentencing the defendant to pay this indemnity, we affirm the judgment appealed from, imposing the costs of this instance upon the defendant. So ordered.

*Arellano, C. J., Torres, Cooper, Willard, McDonough, and  
Johnson, JJ., concur.*

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