

1 Phil. 324

[G.R. No. 888. August 16, 1902]

**THE UNITED STATES, COMPLAINANT AND APPELLEE, VS. MANUEL GARCIA,
DEFENDANT AND APPELLANT.**

D E C I S I O N

TORRES, J.:

This case was prosecuted in the Court of First Instance of Pangasinan against the defendant, Manuel Garcia, on an information for murder. The case having been brought here on appeal, counsel for the defendant has moved the court for an order declaring that the offense prosecuted falls within the provisions of the proclamation of amnesty promulgated July 4 last, by the Civil Governor in the name of the President of the United States.

The information charges two serious offenses alleged to have been committed on May 11, 1898, by the said Garcia, formerly president or municipal captain of the town of Manaog, Pangasinan.

The town having been attacked by a large number of insurgents early on the morning of the day mentioned, the local police and a number of volunteers commanded by the municipal captain, Manuel Garcia, succeeded in repelling the attack. They pursued the attacking party and captured two of them, who were immediately tried by a summary court-martial, presided over by the municipal captain, and the two men were at once executed in the town square.

The accused alleges that this proceeding was strictly in accordance with instructions given him and other local presidents by the then civil governor of Pangasinan, who governed that province on behalf of the Spanish Government, and that he therefore acted as a Spanish official and in the exercise of the powers and duties of a municipal captain.

Supposing that the killing of these two men constituted the crime of double murder, perpetrated by a Spanish official invested with authority, during the period of Spanish sovereignty in these Islands, can the defendant, Manuel Garcia, in view of the capacity in which he acted when ordering the commission of these crimes, be considered to be entitled to the benefits of the amnesty proclamation? The reply, in our opinion, must be negative, both under the spirit and the letter of the proclamation.

The conditions required for the application of amnesty are complex. It is necessary for the delinquent to be a person who, in the Philippine Archipelago, has committed one or more of the crimes enumerated in the proclamation. The defendant who now seeks the benefit of the amnesty, although he is a Filipino and the crimes charged against him were intimately connected with the political movement, nevertheless, as he does not pertain to the class of persons to whom the amnesty expressly refers, it is legally impossible, without disregarding the generous purpose of the Chief Executive, to hold him entitled to its benefits.

It is true that this is a matter in which a broad and favorable interpretation should be followed; but it is also true that it is never lawful to extend the purpose of the sovereign to cases and persons not included within the scope and terms of the benefit conceded.

Without prejudging the question of the guilt of the appellant, Garcia, it must not be forgotten that the accused, when the acts which have led up to this prosecution were committed, was in the exercise of a public office of local authority in the town of Manaoag, in the name and representation of the Spanish Government, and therefore he was an official of Spain, and was not a rebel or revolutionist against the authority of the Spanish Government.

If the defendant has committed such crimes in violation of law, and by the abuse of his official position under the former Government, the mere reading of the amnesty proclamation is sufficient to show that such an offender is not entitled to its benefits.

This act of policy which the Chief Executive saw fit to adopt after a long and radical disturbance of the Filipino people, thus throwing the veil of pardon and forgetfulness over certain crimes committed on account of or on the occasion of the revolution, for the purpose of tempering or mitigating the rigor of the law in accordance with the dictates of common sense and human conscience, can under no circumstances be regarded as referring to public officials of the Spanish Government, even though they may have been natives of the Philippines.

Those who, under the former Government, abusing a public office, have committed crimes punishable under the Code, can not therefore be included in the amnesty, inasmuch as it does not appear from the text of the document that it was the express will of the President to include such crimes of Spanish officials within its scope, and the courts of justice would certainly exceed their authority were they to give the amnesty decree a greater scope than that which it should properly be given.

Furthermore, even in case Manuel Garcia should be entitled to such pardon, it is incumbent upon him to solicit this favor from the Chief Executive, who alone can grant him a special pardon now, the general amnesty in question not being applicable.

For the reasons stated the motion of the attorney of Manuel Garcia is overruled, with the costs against him.

Arellano, C. J., Cooper, Willard, and Ladd, JJ., concur.

Mapa, J., did not sit in this case.