

1 Phil. 638

[G.R. No. 1016. January 16, 1903]

**THE UNITED STATES, COMPLAINANT AND APPELLEE, VS. CATALINO VERGARA,
DEFENDANT AND APPELLANT.**

D E C I S I O N

LADD, J.:

The appellant has been convicted of *asesinato* in the Court of First Instance of Pangasinan, and sentenced to death. He now asks that he be declared entitled to the benefit of the amnesty offered by the President's proclamation of July 4 last, and the Solicitor-General is conformable to the granting of the petition.

For the purpose of passing upon the petition we assume that the guilt of the petitioner has been sufficiently proved. The case presented will then be as follows:

The petitioner in March, 1900, was understood to be the president of the pueblo of Mangatarem, in the Province of Pangasinan, under the Filipino revolutionary government. Some time in that month he either himself killed or caused to be killed, under circumstances which are not disclosed by the evidence, two unknown persons, who were suspected of being spies of the Americans. Though there is no direct evidence to that effect, we think it may be fairly inferred that these persons were native Filipinos. We regard it as a conclusion which may be legitimately drawn from such facts as appear in the case that they were put to death solely because they favored the Americans or had rendered services to the American Army.

There is no evidence tending to show that the petitioner, in putting these persons to death, acted under the orders of any superior authority.

The President's proclamation grants an amnesty "for the offenses of treason and sedition, and for all offenses political in their character committed in the course of such insurrections

[that against the Kingdom of Spain and that against the Government of the United States]pursuant to orders issued by the civil or military insurrectionary authorities, or which grew out of internal political feuds or dissensions between Filipinos and Spaniards or the Spanish authorities, or which resulted from internal political feuds or dissensions among the Filipinos themselves during either of said insurrections.”

The amnesty covers, then, three classes of offenses, namely, (1) purely political crimes, compendiously described in the proclamation as “treason and sedition,” (2) common crimes “political in their character” that is, committed in furtherance of the interest of the insurrection, if committed pursuant to orders from superior authority, and (3) crimes which are shown to have had their origin in the two classes of “internal political feuds or dissensions” named, without reference to whether they are in their nature political or common crimes, or common crimes of a political character, and without reference to whether they were committed under orders of a superior authority or not.

The present case clearly falls outside of both the first and second of these categories. The question to be decided is whether it is embraced within the third.

The phrase “internal political feuds or dissensions among the Filipinos themselves” is somewhat vague and indeterminate, and hence not free from obscurity. It is necessary to attach some meaning to it, and that meaning must not be a narrow and restricted one, repugnant to the nature of the proclamation, which as an act of grace should, where the language admits of doubt, be construed in accordance with the rule *favorabilia sunt amplianda*.

The most wide-reaching and significant of the internal political dissensions by which the Filipinos were divided among themselves during the recent insurrection was that which separated those who resisted from those who supported the Government of the United States. It is well known that many of the latter class were murdered by their fellow-countrymen on account of their political sympathies. We see no sufficient ground upon which to hold that the author of the proclamation intended to exclude these and similar crimes from the scope of the amnesty, while including crimes which had their origin in minor feuds or dissensions between opposing factions of insurgents or between those Filipinos who favored forcible resistance to the United States Government and those who advocated the attainment of independence by peaceable agitation.

In the case of United States vs. Isidro Guzman, and others, decided October 10, 1902, the

petitioners, Isidro and Joso Guzman, had been convicted of the murder of Piera, a Spanish lieutenant, held by the insurgents as a prisoner of war, the motive of the crime having been purely one of personal hatred engendered by the action which Piera had taken about a year previously as juez instructor in a military prosecution of a political character against the petitioner's father. We held in that case that the crime was one which grew out of "internal political feuds or dissensions between Filipinos and Spaniards or the Spanish authorities" within the meaning of the proclamation. We are not disposed to enlarge the meaning of the phrase in question where the feud or dissension is between Filipinos and Spaniards and limit it where only Filipinos are concerned.

In *United States vs. Catalino Ortiz and others*, decided November 4, 1902, a Filipino charged with being a spy of the Americans was put to death by the petitioners, who were members of an insurgent force. In that case it appeared that the petitioners were acting under orders of superior authority, and our holding that they were entitled to the benefit of the amnesty might well have been rested exclusively upon that ground, but in the opinion of the court by Torres, J., it is said that the "murder in question has a political character, and was the result of political hatred or of dissensions of that nature among Filipinos."

In *United States vs. Marcelo de Guzman*, decided November 11, 1902, the petitioner, a captain in the insurgent army caused Pelagio Bonifacio to be put to death as a spy of the Spaniards. The petitioner testified that he had received direct orders from his superior in command to put Bonifacio to death. In the opinion of the majority of the court by Cooper, J., it is said: "This statement as to the defendant having received direct orders from Vicente Prado for the execution of the deceased is not borne out by the testimony of the witnesses, who state that no sooner had the deceased been brought in the presence of the defendant than the deceased was struck by the defendant and ordered to be taken off and shot."

"However, it appears beyond doubt that the commission of the offense was done by the defendant as an officer in the insurgent army, and that it grew out of internal political feuds and dissensions between Filipinos and Spaniards, or out of the political feuds and dissensions among the Filipinos themselves during the Spanish insurrection," and the decision granting the amnesty would appear to be placed on that ground. It is true that there was evidence in that case that Prado had directed the petitioner "to look out for a spy in the pueblo of Binmaley, and when found to have him executed," and the minority of the court were of opinion that, relying upon this evidence, the case should be regarded as that of a crime of a political character committed pursuant to orders of a superior authority.

Although neither the Ortiz case nor the Marcelo de Guzman case can perhaps be regarded as a direct authority for the granting of the present petition, we are not inclined to recede from the views expressed in those cases, which we think are in accord with a sound interpretation of the proclamation. The petitioner is accordingly declared to be entitled to the benefit of the amnesty, and will be discharged upon filing the required oath, with costs *de officio*.

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

Willard, J., dissenting.
