

3 Phil. 376

[G.R. No. 1506. February 26, 1904]

THE UNITED STATES, COMPLAINANT AND APPELLEE, VS. FACUNDO PINEDA ET AL., DEFENDANTS AND APPELLANTS.

D E C I S I O N

TORRES, J.:

On August 29, 1903, the provincial fiscal of Bulacan filed an information charging Facundo Pineda, Benigno Baeza, Agustin de la Cruz, Pedro Tenorio, Eulalio Reyes, Nemesio Hernandez, Francisco Benedicto, and Felix La quindamun with insurrection, in that the said defendants, on or about the 6th day of February of the same year, being members of the volunteer corps organized by the government of the said province to maintain the public peace, and being provided with guns and ammunition belonging to the Insular Government, and while garrisoned with others to the number of 25 in the town of Obando, abandoned the garrison and deserted from the ranks, with their arms and ammunition, and joined the party of the so-called General San Miguel, aiding and promoting the insurrection against the constituted government of these Islands, fighting with the arms with which they had been intrusted against the loyal troops until they were arrested some months afterwards in various parts of the province; this against the statute in the case made and provided.

The evidence in the case conclusively establishes the facts that on the afternoon of February 6, 1903, 25 volunteers, armed with rifles and under command of Sergeant Damaso Caambol, among them the eight defendants, left their garrison and barracks in the town of Obando, and deserted, with their arms and ammunition, going to the barrio of Binauangan and thence to the place called Corral na Bato, where they joined the party commanded by the so-called General San Miguel; that while on their way they were met by some fifteen members of the said band who had come out to receive them; that on the following day, on which

the partisans of San Miguel had a fight with the Constabulary, by whom their encampment was attacked, the said defendants took part in the fight, aiding and abetting San Miguel's men; that subsequently some of the deserters concealed themselves in the mangrove swamps at a place called Matalaba, of the township of Paombong, where they formed another band, waiting for an opportunity to make an attack upon the town of Hagonoy and later upon the town of Malolos, the capital of the province, of which purpose Lieut. Jose Reyes, of the Constabulary forces, was informed by three men, by name Crispulo Capuli, Benito Villanueva, and Valentin de Guzman, who by orders of the said lieutenant joined the party encamped in said mangrove swamps; that on April 30 of the same year, Lieutenant Reyes and his soldiers attacked the party at Matalaba, dispersing it, and after the combat captured provisions, a revolver, and a Remington rifle; that the spies saw Nemesio Hernandez and Facundo Pineda among the members of the band.

Juan Zorilla, the cook of San Miguel's party, testified that he saw Eulalio Reyes, Francisco Benedicto, Agustin de la Cruz, and Facundo Pineda among the Obando volunteers who joined the said party; that he knew that these men had so joined the band, because he was present when a letter from Sergeant Damaso Caambol was read, in which letter he announced his arrival in the mountains for the purpose of joining San Miguel's party; that the purpose of this band, according to San Miguel, and the leaders, Apolonio Samson, Natalio Austria, Guillermo, and Contreras, was to fight against the Constabulary to accomplish the independence of the country. Inspector Donato Teodoro and Lieut. Jose Reyes identified the accused as members of the volunteer corps to whom they had delivered guns and pay. Inspector Donato testified subsequently that Eulalio Reyes, Francisco Benedicto, and Facundo Pineda confessed to him that after deserting they joined San Miguel's band.

Section 3 of Act No. 292, passed November 4, 1901, reads as follows:

“Every person who incites, sets on foot, assists, or engages in any rebellion or insurrection against the authority of the United States or of the Government of the Philippine Islands, or the laws thereof, or who gives aid or comfort to anyone so engaging in such rebellion or insurrection, shall, upon conviction, be

imprisoned for not more than ten years and be fined not more than \$10,000.”

The evidence in this case, consisting of the testimony of a number of witnesses and especially the testimony of two officers, one of them a member of the Constabulary and another a member of the volunteer corps organized in Bulacan, and the testimony of the witness Juan Zorilla, establishes, the fact that on the afternoon of February 6, 1903, the eight defendants, with others up to the number of 25, being volunteers provided with arms belonging to the Insular Government, abandoned the garrison in which they had been stationed, and under the direction of Sergeant Damaso Caambol joined the band of the so-called General San Miguel, encamped at Corral na Bato, acting upon an agreement to that end with San Miguel or some of the officers of his band, aiding and abetting and taking actual part in the acts of rebellion and insurrection committed by the said band against the authority of the United States and of its laws, resisting the agents and officers of the Insular Government. No doubt they deserted for the express purpose of joining the insurrection and opposing the authorities and their agents. These facts are confirmed by the testimony of the accused, Reyes, Benedicto, Hernandez, Baeza, and Pineda.

It further appears from the record that some of the defendants left San Miguel's band and went into hiding in the mangrove swamps of the town of Paombong, where they proposed to form another party for the purpose of falling upon the town of Hagonoy and subsequently Malolos, the capital of the province, doubtless with the intent of attacking the local authorities of these towns, upon the supposition that the said authorities would oppose their assault; and although this purpose was not carried into effect, this was because Lieutenant Reyes of the Constabulary attacked them beforehand, with the Government forces and dispersed them on April 30, 1903.

The eight defendants pleaded not guilty, but notwithstanding the inadmissible and unsupported exculpation which five of them attempted, saying that they only obeyed the orders of Sergeant Caambol when leaving Obando garrison and that with the consent and by order of the latter they were disarmed by a number of the members of the San Miguel party which surprised them while their guns were unloaded and took them to Corral na Bato, the case nevertheless shows more than sufficient evidence of the guilt of the defendants of the crime

of rebellion, they having taken part in actual acts of rebellion committed against the authorities, for they did not resist the alleged disarmament and kidnaping which they allege, and their conduct at the time of their desertion and subsequently shows conclusively that they went into the ranks of the enemies of peace, of law, and of the well-being of the country willfully and with full knowledge of the gravity and consequences of their acts. The best proof of the guilt of the accused is that on the day following that on which they joined San Miguel's forces they assisted the latter in the skirmish against the Constabulary. Consequently they are guilty as principals of the crime with which they are charged and are subject to the personal and pecuniary penalties to which they have been condemned.

Therefore, for the reasons above stated, we are of the opinion that the judgment of the court below, dated September 25, 1903, and by which each of the eight defendants is condemned to ten years' imprisonment and to the payment of 10,000 Insular pesos each and to the costs must be affirmed. This decision and the judgment hereafter to be entered in accordance therewith will be sent to the court below for execution. So ordered,

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