

3 Phil. 723

[G.R. No. 1646. April 16, 1904]

**THE UNITED STATES, COMPLAINANT AND APPELLEE, VS. VENTURA MARIANO,
DEFENDANT AND APPELLANT.**

D E C I S I O N

JOHNSON, J.:

The defendant in this case was charged with the crime of *bandolerismo*. He was tried in the Court of First Instance of the Province of Rizal, and on the 6th day of April, 1903, was found guilty and was sentenced to imprisonment on the 7th day of April, 1903, for the period of his natural life.

Juan Januario Coronado testified that he was the president of the pueblo of San Felipe Neri; that he knew the accused; knew that he had been a municipal policeman of the pueblo of Pasig that he deserted, and took with him several guns and revolvers, which he later turned over to General San Miguel; that he became a member of San Miguel's band, which band was composed of about 200 armed men; that this band went out upon the highways and roamed over the country, armed with deadly weapons; that the said band attacked the pueblo of Pasig on the night of the 24th of December, 1902.

Clemente Fernandez testified that he lived in the pueblo of San Felipe Neri; that he knew the accused, and had heard that he belonged to the band of San Miguel, which band was composed of from 300 to 400 armed men; that the accused was a member of said band.

Paterno Sanchez testified that he was a councilman in the pueblo of Pasig, in the Province of Rizal, and knew the accused; that the accused had been a policeman in said pueblo; that the accused, with a band of bandits, entered the pueblo of Pasig on the night of the 24th of December, 1902; that the said band sequestered him and ill treated him; that the said band was armed with deadly weapons, and that he saw the said

defendant with the others; that there were many members of said band, probably 40 armed men, at the time he was captured and ill treated; that the defendant on said occasion carried a gun and a revolver; that the members of the band wore uniforms; that the band was under the command of one Faustino Guillermo; that the object of the band was to rob property and guns; that the accused had been a member of the police of the pueblo of Pasig; that he had deserted from said police, taking with him ten revolvers and four guns.

Fernando Carruncho testified that he was municipal secretary of the pueblo of Pasig, and had been, at times, a lieutenant of police; that he knew the defendant, and that the defendant had been a member of the municipal police of the pueblo of Pasig for two months and three days, dating from the 1st day of September, 1902, until the 3d day of November, of the same year; that at the time the defendant became a member of the said police he took the oath of allegiance to the United States Government; that the accused deserted from the said police on the 3d day of November, 1903, between 12 and 2 o'clock at night, taking eight revolvers and four shotguns; that the accused joined the band of General San Miguel, under the command of Julian Santos; that he had been made a captain or major in said band; that the said band entered the pueblo of Pasig on the night of the 24th of December, 1902, attacking the Constabulary, killed two members of the Constabulary, and carried away from the inhabitants of the said pueblo certain personal property; that at the time said band entered the pueblo of Pasig it was armed with deadly weapons, and that the said defendant was a member of said band; that there were probably 200 armed men in said band.

Felipe Gomez stated that he was the president of the pueblo of Pasig; that he knew the defendant; that the defendant had been a member of the police of the said municipality from the 1st of September until the time that he deserted, on the 3d or 4th day of November, 1902; that at the time the defendant deserted he took with him fourteen revolvers and four shotguns; that the defendant, at the time he became a policeman, took the oath of allegiance to the United States Government; that the defendant became a member of San Miguel's band; that the defendant was a member of said band on the night of the 24th of December, when it attacked the pueblo of Pasig; that the said defendant and the band were armed.

Rafael Crame testified and stated that he was a member of the Constabulary, and lived in the city of Manila; that he knew the defendant; that the defendant made a confession to him, and that said confession was made voluntarily, and in the presence of witnesses; that after

said confession was made it was signed by the said defendant; that the confession was in the following language:

“DECLARATION OF VENTURA MARIANO.

“MARCH 21, 1903.

“I am a native of Pineda, of the township of Pasig, 25 years of age, and by occupation a stonebreaker. I was a member of the police of the town of Pasig until the month of November, 1902, when I joined Lieutenant Papa and his soldiers. I joined the Nationalist Party six months ago. The man who induced me to join the Nationalist

Party was Mariano San Juan, one of the members of the committee in the barrio of Rosario in the township of Piedad. I was invited by the men to join them because they accused me of being a member of the secret police, and I being afraid, went with them. The man who spoke to me was Fernando Montalan, who was the agent of the men in the field. One Monday night in November of last year they came into Pasig, and while I was on guard at

the barracks they took me away. I went with them and took also all the arms which there were in the barracks— nine revolvers and four carbines. The ones who took me

away were Lieutenant Papa, one Memo, and his brother Felix de la Cruz, Guillermo Garcia, Cornelio de la Cruz, and Juan Santa Ana. After I had been in the mountains two weeks I was appointed a captain by General San Miguel; and he put me in command of forty men armed with guns. We came together at a place called Pugat Babuy, there being 300 men altogether under the command of San Miguel, Faustino Guillermo, Apolonio Samson, Ciriaco Contreras, Vicente del Mundo, Lieutenant Papa, and myself, for the purpose of holding a meeting for the appointment of officers of the troops. The Constabulary came there and we fought with them. In this fight we killed a Constabulary man and captured five, from whom we took their arms and then released them. They killed three of our soldiers.

“VENTURA (his x mark) MARIANO.

“Witnesses:

“RAFAEL CRAME,

“Second Lieutenant.

“AURELIO RAMOS,

“Second Lieutenant, Division of Information.”

Victoriano Angeles was sworn as a witness, and testified that he had known the defendant for a long time; that he had been a companion of the defendant as a member of the police of the pueblo of Pasig; that defendant deserted from said police about the month of November or December; that a band of bandits entered the pueblo of Pasig on the night of the 24th of December, 1902; that the said defendant was with the said band on that occasion, and sequestered him and his companion, Gervasio Luna; that the defendant had many companions who were armed; that the defendant was a captain of said band; that he was armed with a revolver; that Paustino Guillermo was the head of said band; that he recognized the accused and spoke to him on the night of said attack, after the accused had sequestered him; that the object of said band was to rob the Constabulary of their guns and supplies; that he and his companion, after having been sequestered by the accused, were ill treated; that at the time the accused deserted from the said police he took away with him eleven revolvers and four guns; that he was in the quarters of the said police on the night that the accused deserted; that there were many members of the said band, all being armed with guns and revolvers.

Gervasio Luna testified that he was then a member of the Constabulary and had been a member of the municipal police of the pueblo of Pasig; that he knew the defendant; that the defendant had also been a member of the said police; that the defendant deserted from said police, carrying away with him, at the same time, revolvers and guns belonging to the said police; that a party of bandits entered the pueblo of Pasig, armed with deadly weapons; that the accused was a member of said band, and on the said night sequestered him and Victoriano Angeles; that there were many members of said band; that the said band carried

arms; that the accused was a captain in said band; that the said band attempted to rob the Constabulary of their guns and supplies; that during the fight between the said band and the Constabulary the pueblo of Mariquina, he escaped; that the said defendant and his companions ill treated him, striking him with a gun.

The defendant offered no proof in his own behalf, but appealed from the decision of the court.

The evidence adduced in this case justifies the following conclusions:

First. That the defendant had been a member of the municipal police of the pueblo of Pasig from about the 1st day of September, 1902, until the 3d or 4th day of November, 1902.

Second. That at the time the defendant became a member of the police he took an oath of allegiance to the United States Government.

Third. That the defendant deserted from said police on or about the 4th day of November, 1902, taking with him eleven revolvers and four shotguns.

Fourth. That he delivered said revolvers and shotguns to a party of bandits under the command of San Miguel.

Fifth. That he became a member of the band of San Miguel.

Sixth. That said band was organized for the purpose of robbing carabaos and other personal property.

Seventh. That said band entered the pueblo of Pasig on the night of the 24th of December, 1902, armed with deadly weapons, and did then and there commit various robberies in said pueblo.

Eighth. That said band went out upon the highways and roamed over the country, armed with deadly weapons.

Ninth. That said band did, by force and violence, commit various robberies.

Therefore, by virtue of these facts, and the provisions of section 1 of Act No. 518 of the Philippine Commission, the judgment of the Court of First Instance of the Province of Rizal is hereby affirmed. So ordered.

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

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