

[G.R. No. 1643. January 12, 1905]

THE UNITED STATES, COMPLAINANT AND APPELLEE, VS. SATURNINO DE LA CRUZ ET AL., DEFENDANTS AND APPELLANTS.

D E C I S I O N

MAPA, J.:

The Court of First Instance found the defendants guilty of the crime of insurrection and sentenced them to five years' imprisonment, with the exception of Saturnino de la Cruz, who was sentenced to eight years.

We find the offense with which the defendants are charged to be sufficiently proved, in so far as Saturnino de la Cruz, Gil Cervantes, Pio Quinto, and Adriano Reyes are concerned. The first, Saturnino de la Cruz, confessed before the Constabulary inspector, Mr. McIlvane, freely and voluntarily, according to the latter's statement, that he was a colonel of the *Katipuneros* under the command of Julian Santos and Apolonio Sanson, and that his codefendants were his soldiers. And it is proved by the statement of the same Inspector McIlvane and that of A. Dancel, provincial governor of Rizal, that the *Katipunan* association is organized for the purpose of promoting and supporting the rebellion against the Government of the United States in the Philippines. The certainty of what has been confessed by Saturnino de la Cruz appears corroborated, with reference to the four named defendants by the testimony of Dionisio Barretto, who says that one night in January, 1903, he was sequestered by Saturnino de la Cruz, Pio Quinto, and Gil Cervantes and taken to the house of Saturnino, where he was compelled to sign a document wherein it was stated that those affiliated proposed to overthrow the Government now constituted in the Philippines and establish another in lieu thereof, and they said

to him that if he signed and agreed with such plans he would be treated as their brother, but that otherwise they would kill and deprive him of his house. The witness further states that several persons were present at the act of signing that document in the house of Saturnino de la Cruz, and among said persons he saw the defendant Adriano Reyes.

As regards the other defendants, the evidence does not furnish sufficient proof of their guilt in the record, as the statement made by Saturnino de la Cruz before Inspector McIlvane, is not corroborated in any other way (not even one of those defendants being present), that they were his soldiers, can not be considered as such; nor the mere fact, immaterial in itself, that Doroteo Calibio was in company of Saturnino de la Cruz when both were arrested while walking on one of the streets of the town of Navotas. Outside of this, the case gives no other facts tending to prove the charge made against the said defendants.

Therefore we affirm the judgment below as regards the defendants Saturnino de la Cruz, Gil Cervantes, Pio Quinto, and Adriano Reyes, with four-eighths of the costs of this instance charged against them; and reverse the said judgment as regards Doroteo Calibio, Gaspar Aragon, Andres Maximo, and Jose Agustin, who are hereby acquitted with the remaining four-eighths of the costs in both instances *de oficio*. So ordered.

Arellano, C. J., Torres, Johnson, and Carson, JJ., concur.
