

[G.R. No. 1222. January 21, 1905]

**THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. MATEO LAPUS ET AL.,
DEFENDANTS AND APPELLANTS.**

D E C I S I O N

TORRES, J.:

In a complaint filed by the provincial fiscal in the Court of First Instance of Nueva Ecija among others, Mateo Lopus, Bonifacio Bautista, Eufino Ordoñez, Victorino Manalang, and Pedro Bautista were charged with the crime of sedition. The complaint alleged that on the night of June 3, 1902, a band composed of about four hundred men, among whom were the accused, armed with guns, revolvers, talibones, bolos, and clubs, raided the town of Cabiao; that said band went through the streets of the town firing shots, yelling, and frightening the inhabitants thereof; that some of said band went to the house of the municipal president, while others raided several houses, taking captive sixty or seventy of the inhabitants thereof, among whom were Roman Isip Torres, Victorino Natividad, Braulio Rico, Gregorio de los Reyes, Eugenio Manalo, Antonio Crespo, Antonia de los Reyes, Brigido Sigua, Eustaquio Tecson, and others whose names are not known; that they roamed about the streets of the town threatening and intimidating the people; that when the invaders left the town they took and carried their captives away with them; that some of them were conducted to a place called Patatan, and others to that of Libutad on the Chico River, where they were detained by their captors until about noon of the next day, when they were released.

Some members of the band, among them the chief, Domingo Cunanan, told the prisoners that the latter were often found in the justice

court, and that they were loaning money at usurious terms to their farm laborers, and when the latter were unable to pay the loan they compelled their children to work for them as servants; that if the wealthy landowners continued oppressing the poor they would not stop disturbing the towns, because the law must be equally applied to rich and poor; that if they (the band) were then to comply with the orders of Felipe Salvador, chief of the association called "Santa Iglesia," to which they belonged, all the prisoners would be killed at once. They further stated that there were many members of the said association. These facts are proven by the testimony of several witnesses and by residents who had been sequestered by said band. One of the witnesses, Gregorio Reyes, stated that he was beaten with a club by the accused Rufino Ordoñez because he begged the latter to release his master, Genaro Albina, who was unable to walk.

It is also proven by the testimony of witnesses that the above-mentioned association called "Santa Iglesia," to which the said Felipe Salvador belongs, was organized for the purpose of performing acts of hatred and vengeance against the authorities and the wealthy people in the towns, as occurred to the residents of the town of Cabiao, in which were put in practice and execution acts tending to such political-social ends.

The facts as stated constitute the crime of sedition provided for in paragraphs 3 and 4 of section 5 and punished by section 6 of Act No. 292 of the Civil Commission. The appellants were members of an illegal association and had publicly and tumultuously attacked the town of Cabiao and roamed over its streets, firing shots, yelling, and threatening the residents with death, and thereby frightening them. They performed acts of violence on the persons of the president and other residents of the town, against the law and the supreme authority and with political-social purposes. For these reasons the acts performed by the defendants constitute sedition as defined by the aforesaid sections of Act No. 292. The crime of sedition was consummated, even though the object of the defendants was not realized.

The liability of the defendants as principals in the aforesaid crime

of sedition appears fully proven by the testimony of several residents who witnessed the invasion of the town. The witnesses identified the accused as members of the band which entered the town and committed the acts complained of.

The municipal president of the said town, Jose Crespo, and the justice of the peace, Francisco Crespo, affirmed the statement made by the witnesses for the prosecution. The president said that while they were hidden in a bamboo thicket they heard that the malefactors were looking for him, as well as for other wealthy residents; that, as they failed to find him in his house, they took and carried away his rain coat, cap, belt, and clothes; that they destroyed the lock of the door of the house and tore his boots; that they did not succeed in carrying away the arms of the police, for which they were also looking, because the police force had taken refuge in the parish house of the town. The justice of the peace added that when he heard the sound of a bugle and the shots he tried to go to the town hall, but he could not on account of the sudden attack made by a great number of members of the "Santa Iglesia" association; that he had been informed that they were looking for the president, the police, and the wealthy residents of the town.

The Constabulary inspector Cayetano Canda asserted that, according to some information obtained by him, the members of the said association, called "Santa Iglesia" as well as "Gabinistas," whose chief was Felipe Salvador, purposed the extermination of the military forces; the public officials, and the landowners. This assertion is confirmed by the Constabulary inspector Richard Kavanaugh, who stated that the chief of the band which attacked the town of Cabiao on the evening of June 3 was Domingo Cunanan, and that his followers contemplated punishing the wealthy people and the public officials-the former for the abuses they were said to have committed and the latter because they were not doing them justice.

The five defendants pleaded not guilty. Their exculpation, to the effect that they did not take part in the crime of sedition, has not been proved. The evidence adduced in the case against them is not rebutted; they must necessarily be found guilty as principals in the

crime of sedition.

The accused who were acquitted can not be the object of this decision.

In view of the foregoing considerations it is the opinion of this court that the judgment below should be sustained in so far as the same applies to Mateo Lapus, Rufino Ordoñez, Bonifacio Bautista, Victorino Manalang, and Pedro Bautista, each of whom is sentenced to four years' imprisonment, to pay a fine of \$1,500, and one-tenth of the costs. This case to be remanded to the court of origin with a certified copy of this decision and of the judgment which shall be rendered in compliance herewith. So ordered.

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