4 Phil. 282

[G.R. No. 1502. March 16, 1905]

THE UNITED STATES, COMPLAINANT AND APPELLEE, VS. BENJAMIN M. GOODWIN ET AL., DEFENDANTS AND APPELLANTS.

D E C I S I O N

JOHNSON, J.:

The said defendants were charged with the crime of assassination. In the month of September, 1903, they were tried by the Court of First Instance of the Province of Misamis, and found guilty, the first as author and the second as an accomplice, of the crime of assassination. The defendant Goodwin was sentenced to the penalty of *cadena perpetua* and the defendant Caldwell was sentenced to be imprisoned for the period of seventeen years and four months of *cadena temporal*. The complaint filed against the said defendants was in the following language:

> "In the Court of First Instance of the Province of Misamis, the 1st day of July, 1903 :
>
> "The undersigned accuses Benjamin M. Goodwin and Frank Caldwell of the crime of assassination, punished under article 403 of the Penal Code, committed as follows: That the said Benjamin M. Goodwin and Frank Caldwell, on the 25th day of April, 1903, in the pueblo of Iligan, of the Province of Misamis, in the Island of Mindanao, Philippine Archipelago, did feloniously kill one Toribio Taal, by the use of a firearm, with treachery and premeditation. (Signed) Provincial Fiscal.

The evidence shows that the defendant Goodwin was son-in-law of the

deceased Toribio Taal, and lived in the pueblo of Iligan, in the Island of Mindanao; that on the night of the 25th of April, 1903, the defendants entered the house of Toribio Taal by force and violence; that after the defendants entered the said house, for some reason or other which the evidence does not disclose clearly, they engaged in a fight with the deceased Toribio Taal, the former striking and beating the latter, and later dragging the deceased from his house into the street. After the defendants had taken the deceased some twenty yards from the latter's house, the defendant Goodwin shot the deceased through the breast with a revolver which he then and there had in his possession, from which wound the deceased died within the space of one or two hours.

The, defendant Goodwin stated in his testimony that he and his father-in-law had had some trouble prior to the time of the latter's death; that he shot the deceased as above described, but that he shot the said deceased in self-defense; that the deceased was about to attack him with a bolo, and in order to protect his own life he shot and killed him.

Some three or four other witnesses were sworn during the trial who appeared upon the scene where Toribio Taal was killed immediately after the defendant Goodwin had shot the said Taal. None of these witnesses saw a bolo in the hands of the deceased, neither could any bolo be found in or about the place where the shooting occurred. Therefore we conclude that the testimony of the defendant Goodwin that the deceased Taal was about to attack him with a bolo at the time of the shooting and that he shot the deceased in self-defense can not be supported.

The defendant Caldwell was convicted as an accomplice to the crime. The evidence showed that he went with the defendant Goodwin to the house of the deceased Toribio Taal and took part with the defendant Goodwin in the fight which ensued between the said Goodwin and the deceased Taal. The evidence further shows that he assisted the said Goodwin in carrying the deceased Taal out of his house, striking and beating the deceased; that immediately preceding the time when Goodwin shot and killed the deceased Taal, the defendant Caldwell said to the

defendant Goodwin: “Goodwin, fire the revolver at him;” and further, addressing himself to Goodwin again, at the same time: “You have not got any nerve if you don’t kill your papa” (referring to Goodwin’s father-in- law, Toribio Taal. Goodwin was convicted as a principal in the crime.

Article 13 of the Spanish Penal Code defines who are principals, in the following language:

> “(1) Those who take a direct part in the execution of the act.
>
> “(2) Those who directly force or induce others to execute it.
>
> “(3) Those who cooperate in the execution of the act by another act without which it could not have been accomplished.”

Article 14 of the Penal Code defines who are accomplices in the following language:

> “Accomplices are those persons who, not being included in article 13, cooperate in the execution of the act by other previous or simultaneous acts.”

The evidence in the case discloses the fact that the defendant Frank Caldwell did directly induce the defendant Goodwin to shoot the deceased Toribio Taal. He should therefore be regarded as a principal in the commission of the offense charged in the complaint filed in this case.

There was no evidence presented during the trial of the cause that goes to show that the defendants had in any way premeditated the killing of Toribio Taal. Neither does the evidence disclose that the defendants were guilty of any act of treachery.

The evidence does not disclose any act or circumstance occurring in the commission of the crime which could in any way qualify the offense as assassination.

The evidence does disclose the fact that the defendant Benjamin M. Goodwin did kill Toribio Taal with a revolver by shooting the latter through the breast on or about the 25th day of April, 1903; that the defendant Frank Caldwell did directly induce the said Goodwin to commit the said act.The evidence clearly shows, therefore, that the defendants are each guilty of the crime of homicide, defined and punished under article 404 of the Penal Code. The evidence also discloses that the defendants had taken advantage of their superior strength. This should be regarded as an aggravating circumstance under paragraph 9 of article 10 of the Penal Code.

It is the judgment of this court, therefore, that the sentence imposed by the Court of First Instance of the Province of Misamis be reversed and that the said defendants be sentenced to be imprisoned for a period of eighteen years of *reclusion temporal* and to pay the costs of both instances. So ordered.

Arellano, C. J,, Torres, Mapa, and *Carson, JJ.,* concur.

Date created: April 24, 2014