

[G.R. No. 1988. April 03, 1905]

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. MARCELO CAPARAS ET AL., DEFENDANTS AND APPELLANTS.

D E C I S I O N

TORRES, J.:

These six defendants are charged with the crime of sedition. The complaint states that they belonged to the secret society called "Santa Iglesia;" that the ends of this society were seditious and that they acted contrary to the peace and good order of the towns of Nueva Ecija, and that they performed acts of hatred and revenge against the officials and agents of the Government and against the wealthy inhabitants of the towns, taking by means of force and violence guns, ammunition, and other arms belonging to the Government of the Islands and which were under the charge of the Constabulary and municipal police; that in the month of September, 1903, they held a meeting, together with other unknown members and the organizer of the sect, Felipe Salvador, *alias* Apong Ypi, in Sicsican, town of Talavera, Province of Nueva Ecija, in an uninhabited place, in order to organize formally the said society and to foment its seditious purposes; that from that place a band of over a hundred men, provided with guns, bolos, and clubs, went to the town of San Jose and there attacked the *cuartel* of the Constabulary in that province on the morning of the 16th of September aforesaid. That in that attack they killed and wounded about ten Constabulary men and took possession of seven guns and ammunition; that those who attacked the said *cuartel* of San Jose and took several guns in the month of February previous were members of that sect; that those who rose in the town of Cabiao in June, 1902, committing acts of hatred and revenge against the officials and wealthy inhabitants of the town and other crimes, were also members of the aforesaid sect, all contrary to the law.

The case having come for trial in pursuance of the aforesaid complaint, the judge below, as a result of the evidence adduced in same, sentenced Marcelo Caparas to six years' imprisonment and Simeon Apolonio, Rafael Ponce, Dionisio Cardíño, Catalino Jacinto, and

Modesto de Guzman to five years' imprisonment each, with one-eighth of the costs each; Mariano Dupol and Ciriaco Agnes were acquitted in accordance with sections 4 and 5 of Act No. 292. The six defendants who were sentenced appealed from the judgment.

From the evidence adduced during the trial it has been proven that on the morning of September 16, 1903, the Constabulary *cuartel* situated in the town of San Jose, Nueva Ecija, was suddenly attacked; that as a result of said attack and in spite of the defense interposed by the Constabulary soldiers, six of the latter were killed and two wounded, the latter afterwards dying; that the commander of the post was also wounded, and that the aggressors succeeded in taking possession of some guns and ammunition; that the aggressors, according to investigations held, were members of the secret society "Santa Iglesia," and were organized into a band of one hundred men; that among this band at that attack some were killed and several wounded; that the society "Santa Iglesia" was in existence in that province under the mask of being a religious society, but that the real purpose of the same and of the members who composed it was sedition; that its members were provided with deadly weapons, such as guns, revolvers, and bolos, and even clubs, and that they devoted themselves to attacking the municipal policemen, the Constabulary, and also some of the inhabitants of the town with the object of taking possession of their arms, and that these six defendants were members of and belonged to said society "Santa Iglesia." This last fact appears fully proven by the statements made by the defendants Modesto de Guzman, Dionisio Cardíño, Rafael Ponce, Simeon Apolonio, Marcelo Caparas, and Catalino Jacinto, found at pages 2, 3, 4, 5, 8, and 11 of the record. These statements were ratified under oath in the justice of the peace court, and it appears that they were affirmed by Lieutenant R. William C. Boyer, David Frank, Lieutenant Crispulo de la Cruz, Sergeant Hilario Libunan, and several privates who witnessed and heard the statements made by the defendants. These defendants, however, pleaded not guilty, and alleged that their statements in the justice of the peace court which were signed by them confessing that they were members of the society were made because of threats and ill treatment and torture with an electric machine administered to them by some of the officials of the police. The result of the counter proof introduced by the Government, however, offsets the latter statements of the defendants. Lieutenant Boyer and the witnesses who heard the defendants make the aforesaid statements deny that there was any electric machine in the *cuartel* or in the office of the lieutenant, and also deny the fact that the defendants were ill treated and tortured when they made their confessions.

It does not appear in a conclusive manner that these six defendants took part in the attack made on the *cuartel* of San Jose on the morning of September 16, but it appears from the

case, duly corroborated, that these six defendants were members and formed part of the same secret society, the objects and purposes of which were to increase and promote rebellion and sedition, and under this specification they came within section 9 of the aforesaid act. They can not have imposed on them the penalties provided for in sections 4, 5, and 7 of the act because they have not violated any one of their provisions, nor have they incurred any penalties mentioned in the three aforesaid sections.

This decision disregards the other two defendants, who were acquitted.

By virtue, then, of the reasons above stated we are of the opinion that the judgment of the court below should be reversed and the defendants Marcelo Caparas, Simeon Apolonio, Rafael Ponce, Dionisio Cardíño, Catalino Jacinto, and Modesto de Guzman be sentenced to one year's imprisonment, to pay a fine of P1,000, Philippine currency, each, and to pay one-eighth of the costs in the first instance and one-sixth of the costs in this instance.

This case to be returned to the court below with a certified copy of this decision and of the judgment which shall be rendered in accordance herewith. So ordered.

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