

[G.R. No. 2580. January 20, 1906]

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. SANTIAGO SEVILLA AND JULIO SEVILLA, DEFENDANTS AND APPELLANTS.

D E C I S I O N

JOHNSON, J.:

These defendants were charged with the crime of assassination in the Court of First Instance of the Province of Batangas and found guilty, Santiago Sevilla as author of said crime and Julio Sevilla as an accomplice in the commission thereof. Santiago Sevilla was sentenced to life imprisonment (*cadena perpetua*) and Julio Sevilla was sentenced to be imprisoned for a period of twelve years and one day of *cadena temporal*, each one of them to suffer the accessory penalties provided for by law, to indemnify the family of Teodorico Closa in the sum of 1,000 pesos and to pay the costs. From this decision each of the defendants appealed to this court.

When the complaint was read to the defendants in the court below they each plead "not guilty" and invoked the provisions of the amnesty proclamation of the President of the United States of July 4, 1902. The inferior court decided that said defendants were not entitled to the benefits of the amnesty proclamation.

The evidence adduced during the trial of said cause on the part of the prosecution shows that sometime, without specifying the month or day, in the year 1900 these defendants met one Teodorico Olosa and his son, Perfecto Closa, on the highway near the "*sitio de Nagsaulay*" of the barrio of Batan, of the pueblo of San Juan de Bocboc; that the said Teodorico and Perfecto had in their possession fish which they had recently caught in the sea; that the defendants desired to purchase one of the fish; that the said Teodorico and Perfecto refused to sell the defendants the fish for the reason that they desired it for their own use; that upon such refusal a quarrel arose between the defendants and the said Teodorico and Perfecto with reference to said fish; that on the morning following the

defendants, in company with others, returned to the community where the said Teodorico and Perfecto lived, in search of the latter; that when the defendants found the said Teodorico and Perfecto the quarrel was continued, as a result of which the said Teodorico was killed by the said defendants.

The evidence on the part of the defense discloses the following facts:

That one Santos Lopez was the chief commander of the politico *insurrectos* of the pueblo of San Juan de Bocboc, in the year 1900; that the defendant Santiago Sevilla had been appointed as a lieutenant under his command; that the said Lopez had been informed that the said Teodorico was a secret policeman for the American Army, then operating in that district, and that he was giving information to the said Americans with reference to the troops under the command of the said Lopez and was also furnishing the Americans with food and other supplies, as well as acting as a guide for the American troops from time to time; that the said Lopez regarded the said Teodorico as a traitor to the cause of the Filipinos in that district and therefore ordered and directed the defendant Santiago Sevilla to take a detachment of Filipino soldiers belonging to the command of the said Lopez and capture, if possible, and kill the said Teodorico Olosa. This proof is sustained not only by the statements of the defendants but also by the testimony of the said Santos Lopez, Isidro Yema, Mariano Alday, and Gregorio Peradilla.

It is admitted by proof on the part of the defense that Teodorico Olosa was killed by the defendant Santiago Sevilla. The alleged crime was committed, according to evidence, probably in the month of June or July, 1900.

The amnesty proclamation of the President of the United States, issued on the 4th day of July, 1902, provided for the full and complete pardon and amnesty to all persons in the Philippine Archipelago, as follows:

“(1) Those who had participated in the insurrections (a) against the authority and sovereignty of the Kingdom of Spain at divers times from August, 1896, until the cession of the Philippine Archipelago to the United States of America; (b) Against the authority and sovereignty of the United States prior to the 1st of May, 1902.

“(2) Those who had given aid and comfort to persons participating in the said insurrections; and

“(3) Those who, thus participating in said insurrections, had committed any of the following offenses: (a) Treason; (b) sedition; (c) for all offenses political in their character, committed in the course of such insurrections, pursuant to orders issued by the civil or military insurrectionary authorities; or (d) offenses which grew out of internal political feuds or dissensions between the Filipinos and Spaniards or Spanish authorities; or (e) offenses which resulted from internal political feuds or dissensions among the Filipinos themselves during either of said insurrections.”

The evidence adduced during the trial discloses the following facts:

First. That the defendants were inhabitants of the Philippine Archipelago.

Second, That they had participated in the insurrection against the sovereignty of the United States in the Philippine Islands.

Third. That the offense with which they were charged was committed pursuant to orders issued by the military insurrectionary authority.

We are of the opinion, therefore, that the defendants are entitled to the benefits of the amnesty proclamation of July 4, 1902. The decision of the inferior court is therefore hereby reversed and the cause is hereby ordered to be dismissed and the defendants, upon taking the oath of allegiance, discharged from the custody of the law. So ordered.

This conclusion is supported by the following decisions of this court: *United States vs. Oarmona* (1 Phil. Rep., 326), *United States vs. Monton* (1 Phil. Rep., 363), *United States vs. Ortiz* (1 Phil. Rep., 466), *United States vs. De Guzman* (1 Phil. Rep., 475), *United States vs. Colocar* (1 Phil. Rep., 516), *United States vs. Vergara* (1 Phil. Rep., 638).

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