

6 Phil. 317

[G.R. No. 2626. July 13, 1906]

THE UNITED STATES, COMPLAINANT AND APPELLEE, VS. MANUEL QUERUERO ET AL., DEFENDANTS AND APPELLANTS.

D E C I S I O N

WILLARD, J.:

The only question which it is necessary to consider in this case is whether or not the offense committed by the appellants is included in the amnesty of July 4, 1902.

Nicolas Galledos, a witness for the Government, testified that in the months of May and June, 1898, while he, in company with Lucio Quezon, Pedro Quezon, and Serviliano Gomez, were coming from Nueva Ecija to Baler, in the Province of Tayabas, with certain effects which they had bought in Ban Isidro, they were attacked by a band of armed men under the leadership of Sergeant Carias. In the attacking party were the two appellants. They were taken toward the Malupa River, the property which they had was taken from them, and they were all released except Lucio Quezon and Pedro Quezon, father and son. The attack took place in Baler, where most of the parties lived. A few days afterwards news was received in Baler that Pedro Quezon and Lucio Quezon had been killed by the two appellants. The witness was asked if the persons in the attacking party were agents of the Government, policemen, or soldiers, and he answered, no, they were private persons, but that Sergeant Carias had been a sergeant of the civil guard.

Serviliano Gomez testified to substantially the same effect, except that when he was asked if the attacking party were soldiers, policemen, or agents of the Government, he answered that he didn't know what occupation they had, and stated that in the time of the Katipunan he knew that they were soldiers of that government.

The defendants, testifying for themselves, stated that in the month of May or June they were soldiers of Teodorico Novicio, a chief of the Katipunan; that they were brought before him

by his lieutenant and ordered to find Lucio Quezon and Pedro Quezon and to kill them because they were persons who did injury to the people. They were found, as testified to by witnesses of the Government, and under the orders given by Teodorico Novicio, and repeated by the sergeant in immediate command of the attacking party, Lucio Quezon and Pedro Quezon were killed.

The appellant Cristobal de los Reyes testified that later they surrendered to the American military officer stationed in that province after the amnesty was promulgated and he liberated them. On cross-examination he stated that the town of Baler was in revolt during the revolution of 1897; that there was another uprising in 1898; that he was a soldier of Novicio during the first uprising, and left Biac-na-Bato after the treaty there made between Aguinaldo and the Spanish Government.

He stated that Pedro and Lucio Quezon belonged to the party which advocated that the Philippines should remain under the Spanish sovereignty, and that Lucio, the father, had joined the soldiers of Novicio. but afterwards had deserted and withdrawn into the pueblo.

All the property taken from the party which was attacked was carried to the camp and was delivered to the commanding officer. This defendant also testified that when these persons were seized and killed it was after the second uprising in Baler.

The other defendant, Manuel Querijero, testified substantially in the same manner.

The only evidence to contradict this testimony is .the statement made by the witness for the Government, Manuel Quezon, a son of Lucio, who testified that the second uprising in Baler did not take place until the month of July, 1898, but it appeared from his testimony that he was in Manila during the siege at that time and did not return to Baler until the end of 1898. He also testified that he had heard that Teodorico Novicio, in April, 1899, had received an appointment as captain of revolutionary forces.

We think the evidence is sufficient to show that at the time the crime was committed the appellants were soldiers in the insurrection against Spain and that it was committed by order of a superior officer and for the purposes of the revolution. In such cases we have repeatedly held that the persons committing the crime are entitled to the benefits of the amnesty proclamation of July 4, 1902.

It is therefore declared that the appellants are entitled to the benefit of such proclamation on filing in this court the oath prescribed therein as a condition of the amnesty; and upon

the filing of such oath the cause will be returned to the court below with directions that the appellants be discharged, with the costs *de officio*. So ordered.

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

Johnson, J., did not sit in this case.

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