

Title:

The United States vs. Melencio Tubig – The Doctrine of Double Jeopardy and Jurisdiction of Court-Martial in Civil Jurisdiction.

Facts:

On November 23, 1901, in Bongabon, Nueva Ecija, Melencio Tubig, a soldier of the Eighth Company of Native Scouts, was accused of assassinating Antonio Alivia. Without any prior quarrel, Tubig allegedly called Alivia outside of his shop and assaulted him with a blunt stick, resulting in Alivia's death that evening.

Tubig was originally tried and convicted by a court-martial (military court) and sentenced to a year in prison, which he served for seven months before being released. Later, he was charged again for the same offense in a civilian court (Court of First Instance of San Isidro on February 15, 1902), despite his plea that he had already been in jeopardy for the same offense. The civilian court denied his motion for dismissal and proceeded with the trial, convicting him once more and sentencing him to twelve years and one day of imprisonment. Tubig appealed to the Philippine Supreme Court.

Issues:

1. Does the double jeopardy clause apply to Tubig's case, considering his previous conviction and sentencing by a military court-martial?
2. Did the court-martial have jurisdiction to try and convict Tubig when civil courts were operational in the Province of Nueva Ecija?
3. Can a court-martial's decision be considered valid if the sentence was different from that provided by local laws (the Penal Code of the Philippine Islands)?

Court's Decision:

The Philippine Supreme Court reversed the conviction by the civilian court, acquitting Tubig. The Court ruled that Tubig was indeed put in jeopardy during his military trial. They argued that his military trial, conviction, and sentence under a competent military tribunal constituted jeopardy, preventing a second trial for the same offense. On the jurisdiction issue, the Court held that even with the existence of local civil courts, a state of insurrection allowed for military jurisdiction over soldiers, and the court-martial had the authority to try and sentence Tubig.

Doctrine:

The Supreme Court reinforced the principle of double jeopardy, where once a person is

tried and convicted or acquitted of an offense, they cannot be tried again for the same offense. It also established that in times of insurrection, military courts (court-martial) have jurisdiction over soldiers even when civil courts are operational, under specific articles of war and Congressional acts.

Historical Background:

This case was contextualized during the Philippine-American War, a period of armed conflict between the First Philippine Republic and the United States which lasted from 1899 until 1902. Civil courts established by the U.S. military and the Civil Commission operated alongside military courts, which could carry jurisdiction over soldiers when provided by military law, specifically during times of insurrection – a situation prevalent during the period Tubig was tried. The Supreme Court’s decision considered the legal doctrines operative in the U.S. and applied them within the Philippine context, taking into account the concurrent application of military and civil jurisdiction, and the protection against double jeopardy.