

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. GELASIO TABIANA AND JULIAN CANILLAS, DEFENDANTS AND APPELLANTS.

****Facts:****

The case involves Gelasio Tabiana, a twice-elected municipal president and council member of Leon, Iloilo, and a candidate for re-election, and Julian Canillas, a justice of the peace. Both defendants, also brothers-in-law, resided together. A warrant was procured for Tabiana's arrest due to a minor trespass misdemeanor committed by his cattle.

On February 23, 1915, police officers Emiliano Callado and Baltazar Cabilitasan attempted to execute the arrest warrant. Initially, Tabiana expressed irritation and avoided immediate arrest by agreeing to report to the municipal building later with his herdsman. However, failing to surrender at the agreed time, the policemen were instructed to locate Tabiana and procure his compliance. Tabiana and his friends encountered the policemen multiple times throughout the day, culminating in an altercation at his store that took place under their residence.

Tabiana scuffled with the police, urged to resist by his friends. He claimed he did not possess the warrant, which he earlier pocketed, then struck officer Callado. Bystanders, including Canillas, forcibly intervened. The policemen retreated upon Canillas' order to depart and threats of future consequences.

The defendants were convicted under article 249 and subsection 2 of article 250 of the Penal Code by the Court of First Instance of Iloilo, prompting this appeal to the Supreme Court.

****Issues:****

1. Whether Tabiana and Canillas committed the offense of attack upon agents of public authority under article 249, subsection 2 of article 250 of the Penal Code.
2. Whether Gelasio Tabiana, showing resistance to the arresting officers, should be held liable for the more serious offense of aggression against public authority.
3. Whether Julian Canillas, in his intervention in the altercation while performing his duties, should be held equally liable.

****Court's Decision:****

The Supreme Court modified the decision of the lower court. It held Tabiana and Canillas culpable for resistance and serious disobedience under article 252, but not for the more serious offense of aggression towards public authorities under article 249. The judgment

acknowledged their actions manifesting resistance, but did not view it as defiance to the extent envisioned in article 249, which would necessitate more significant aggression. Tabiana's actions and resistance ceased once physically held by the policeman, and Canillas, given his capacity as justice, also exhibited a serious disobedience when he obstructed the arrest. Both defendants were sentenced to two months and one day of *arresto mayor*, fined "P125 each, with accessory penalties and subsidiary imprisonment in case of insolvency, and the costs against appellants.

****Doctrine:****

The Supreme Court differentiated between simple resistance or disobedience, which carries lighter penalties, and grave resistance or aggression against the authorities, which incurs heavier penalties under the Spanish Penal Code provisions. The nature and gravity of the acts committed in the context of resisting arrest determine whether an offense should be classified under article 249 (more serious) or article 252 (less severe) of the Penal Code.

****Class Notes:****

- Resistance and serious disobedience to public authority pertain to opposition against law enforcement officers without the employment of serious force as characterized by aggression, falls under article 252.
- Activating circumstances from article 250 of the Penal Code do not elevate an offense to article 249 unless accompanied by grave resistance or aggression.
- Article 249 concerns more severe forms of resistance, usually with substantial aggression and a separate level of penalties.
- A public officer can also commit an offense under article 252, not exclusively article 249, with the gravity determining classification.

****Article 252, Spanish Penal Code (Relevant Provision):****

"Resistance and serious disobedience to a person in authority or the agents of such person, when performing their functions."

****Historical Background:****

The Spanish Penal Code's provisions applied in the Philippines during American colonial administration, reflecting a legal transition from Spanish to American law. This case exemplifies challenges in applying laws originally designed within a monarchical context to the emerging democratic and republican framework of the American colonial government in the Philippines. It illuminates the tension between respecting inherited Spanish legal doctrines and adapting to contemporary notions of law enforcement in the democratic

society that the United States intended to foster in the Philippines. The case also highlights the resistance against perceived abuses of power by local political figures during elections, a recurring theme in the post-colonial history of governance in the Philippines.