

FELIX CAISIP, IGNACIO ROJALES AND FEDERICO VILLADELREY, PETITIONERS, VS. THE PEOPLE OF THE PHILIPPINES AND THE COURT OF APPEALS, RESPONDENTS.

G.R. No. L-28716. November 18, 1970

Ponente: CONCEPCION, C.J.

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CONCEPCION, C.J.:

This case is before Us upon petition of defendants Felix Caisip, Ignacio Rojasles and Federico Villadelrey, for review on certiorari of a decision of the Court of Appeals which affirmed that of the Court of First Instance of Batangas, convicting them of the crime of Grave Coercion, with which they are charged, and sentencing each to four (4) months and one (1) day of arresto mayor and to pay a fine of P200.00, with subsidiary imprisonment in case of insolvency, not to exceed one-third of the principal penalty, as well as one-third of the costs.

As set forth in the trial court's decision, the background of the present case is this:

"The complainant Gloria Cabalag is the wife of Marcelino Guevarra who cultivated a parcel of land known as Lot 105-A of Hacienda Palico situated in sitio Bote-bote, barrio Tampisao, Nasugbu, Batangas. The said parcel of land used to be tenanted by the deceased father of the complainant. Hacienda Palico is owned by Roxas y Cia and administered by Antonio Chuidian. The overseer of the said hacienda is Felix Caisip, one of the accused herein. Even before the occurrence of the incident presently involved, there had been a series of misunderstandings and litigations in-volving the complainant and her husband, on one hand, and the men of Hacienda Palico on the other.

"It appears that on December 23, 1957, Marcelino Guevarra filed an action with the Court of Agrarian Relations seeking recognition as a lawful tenant of Roxas y Cia over Lot No. 105-A of Hacienda Palico. In a decision dated February 22, 1958, the Court of Agrarian Relations declared it has no jurisdiction over the case, inasmuch as Guevarra is not a tenant on the said parcel of land. An appeal was taken by Guevarra to the Supreme Court, but the appeal was dismissed in a resolution dated April 10, 1958.

"On May 17, 1958, Roxas y Cia. filed an action against Marcelino Guevarra in the justice of the peace court of Nasugbu, Batangas, for forcible entry, praying therein that Guevarra be ejected from the premises of Lot No. 105-A. After due hearing, the said Court in a decision dated May 2, 1959 ordered Guevarra to vacate the lot and to pay damages and accrued rentals. A writ of execution was issued by Justice of the Peace Rodolfo A. Castillo of Nasugbu, which was served on Guevarra on June 6, 1959, and the return of which was made by Deputy Sheriff Leonardo R. Aquino of this Court on June 23, 1959 (Exhibit '10'). The writ recites among other things that the possession of the land was delivered to the Roxas y Cia thru Felix Caisip, the overseer, and Guevarra was given twenty days from June 6, 1959 within which to leave the premises."

The record before Us does not explain why said decision was executed. According to the complainant, her husband's counsel had appealed from said decision. The justice of the peace who rendered it, Hon. Rodolfo Castillo, said that there really had been an attempt to appeal, which was not given due course because the reglementary period therefor had expired; that a motion to reconsider his order to this effect was denied by him;

and that a second motion for reconsideration was "still pending consideration," and it was October 19, 1959 when such testimony was given.

Continuing the narration of the antecedent facts, His Honor, the Trial Judge, added:

"On June 15, 1959, some trouble occurred between the complainant and Caisip regarding the cutting of sugar cane on Lot 105-A. The following day June 16, 1959, the complainant allegedly again entered the premises of Lot 105-A and refused to be driven out by Felix Caisip. Due to the aforementioned incidents, Gloria Cabalag was charged in the justice of the peace court of Nasugbu, Batangas, with grave coercion for the incident of June 15, 1959, docketed in the said court as Criminal Case No. 968 (Exhibit '3'); and with the crime of unjust vexation for the incident of June 16, 1959, docketed in the said court as Criminal Case No. 970. Both cases, however, were filed only on June 25, 1959."

In other words, these criminal cases, Nos. 968 and 970, against Gloria Cabalag, were filed eight (8) days after the incident involved in the case at bar. It is, also, noteworthy that both cases were - on motion of the prosecution, filed after a reinvestigation thereof - provisionally dismissed, on November 8, 1960, by the Court of First Instance of Batangas, upon the ground "that the evidence of record x x x are insufficient to prove the guilt of the accused beyond reasonable doubt." The decision of said court, in the case at bar, goes on to say:

"It further appears that due to the tenacious attitude of Gloria Cabalag to remain in the premises, Caisip sought the help of the chief of police of Nasugbu who advised him to see Deputy Sheriff Aquino about the matter. The latter, however, informed Caisip that he could not act on the request to eject Gloria Cabalag and to stop her from what she was doing without a proper court order. Caisip then consulted Antonio Chuidian, the hacienda administrator, who, in turn, went to the chief of police and requested for the detail of policemen in sitio Bote-bote. The chief of police, acting on said request, assigned the accused Ignacio Rojas and Federico Villadelrey, police sergeant and police corporal, respectively, of the Nasugbu Police Force, to sitio Bote-bote."^[1]

On June 17, 1959, at about 5:00 p.m., Gloria Cabalag was seen weeding the portion of Lot 105-A which was a ricefield. Appellant Caisip approached her and bade her to leave, but she re-fused to do so, alleging that she and her husband had the right to stay there and that the crops thereon belong to them. She having stuck to this attitude, even when he threatened to call the police, Caisip went to his co-defendants, Sgt. Rojas and Cpl. Villadel-rey, both of the local police, who were some distance away, and brought them with him. Rojas told Gloria, who was then in a squatting position, to stop weeding. As Gloria insisted on her right to stay in said lot, Rojas grabbed her right hand and, twisting the same, wrested therefrom the trowel she was holding. Thereupon, Villadelrey held her left hand and, together with Rojas, forcibly dragged her northward - towards a forested area, where there was a banana plantation - as Caisip stood nearby, with a drawn gun.

Inasmuch as Gloria shouted "Ina ko po! Ina ko po!"^[2] her neighbors, Librada Dulutan, followed, soon later, by Francisca Andino, came and asked the policemen why they were dragging her. The policemen having answered that they would take Gloria to town - which was on the west - Francisca Andino pleaded that Gloria be released, saying that, if their purpose was as stated by them, she (Gloria) would willingly go with them. By this time, Gloria had already been dragged about eight meters and her dress, as well as her blouse^[3] were torn. She then agreed to proceed westward to the municipal building, and asked to be allowed to pass by her house, within Lot 105-A, in order to breast-feed her nursing infant, but, the request was turned down. As they passed, soon later, near the house of Zoilo Rivera, head of the tenant organization to which she was affiliated, in the barrio of Camachilihan, Gloria called out for him, whereupon, he went down the house and accompanied them to the municipal building. Upon arrival thereat, Rojas and Villadelrey turned her over to the policeman on duty, and then departed. After being interrogated by the chief of police, Gloria was, upon representations made by Zoilo Rivera, released and allowed to go home.

The foregoing is the prosecution's version. That of the defense is to the effect that upon being asked by the policemen to stop weeding and leave the premises, Gloria, not only refused to do so, but, also, insulted them, as well as Caisip. According to the defense, she was arrested because of the crime of slander then committed by her. Appellants Rojas and Villadelrey, moreover, testified that, as they were heading towards the barrio of Camachilihan, Gloria proceeded to tear her clothes.

His Honor, the Trial Judge, accepted, however, the version of the prosecution and found that of the defense unworthy of credence. The findings of fact of the Court of Appeals, which fully concurred in this view, are "final," and our authority to review on certiorari its appealed decision is limited to questions purely of law.[4] Appellants maintain that the Court of Appeals has erred: (1) in not finding their acts "justified under Article 429 of the New Civil Code"; (2) in holding that the 20-day period of grace given to Marcelino Guevarra and his wife, Gloria Cabalag, by the sheriff, to vacate Lot 105-A, was valid and lawful; (3) in finding that the elements of the crime of grave coercion are present in the case at bar; and (4) in finding appellants guilty as charged. This pretense is clearly untenable.

Art. 429 of our Civil Code, reading:

"The owner or lawful possessor of a thing has the right to exclude any person from the enjoyment and disposal thereof. For this purpose, he may use such force as may be reasonably necessary to repel or prevent an actual or threatened unlawful physical invasion or usurpation of his property. "

upon which appellants rely is obviously inapplicable to the case at bar, for, having been given 20 days from June 6, 1959, within which to vacate Lot 105-A, complainant did not, on June 17, 1959 -or within said period - invade or usurp said lot. She had merely remained in possession thereof, even though the hacienda owner may have become its co-possessor. Appellants did not "repel or prevent an actual or threatened x x x physical invasion or usurpation." They expelled Gloria from a property of which she and her husband were in possession even before the action for forcible entry was filed against them on May 17, 1958, despite the fact that the Sheriff had explicitly authorized them to stay in said pro-erty up to June 26, 1959 and had expressed the view that he could not oust them therefrom on June 17, 1959, without a judicial order therefor.

It is urged, that, by weeding and refusing to leave Lot 105-A, Gloria had committed a crime in the presence of the police-men, despite the aforementioned 20-day period, which, appellants claim, the sheriff had no authority to grant. This contention is manifestly untenable, because: 1) said period was granted in the presence of the hacienda owner's representative, appellant Caisip, who, by not objecting thereto, had impliedly consented to or ratified the act performed by the sheriff; 2) Gloria and her husband were thereby allowed to remain, and had, in fact, remained, in possession of the premises, perhaps together with the owner of the hacienda or his representative, Caisip; (3) the act of removing weeds from the ricefield was beneficial to its owner and to whomsoever the crops belonged, and, even if they had not authorized it, does not constitute a criminal offense; and (4) although Gloria and her husband had been sentenced to vacate the land, the judgment against them did not necessarily imply that they, as the parties who had tilled it and planted thereon, had no rights, of any kind whatsoever, in or to the standing crops, inasmuch as "necessary expenses shall be refunded to every possessor,"[5] and the cost of cultivation, production and upkeep has been held to partake of the nature of necessary expenses.[6]

It is, accordingly, clear that appellants herein had, by means of violence, and without legal authority therefor, prevented the complainant from "doing something not prohibited by law, " (weeding and being in Lot 105-A), and compelled her "to do something against" her will (stopping the weeding and leaving said lot) "whether it be right or wrong," thereby taking the law into their hands, in violation of Art. 286 of the Revised Penal Code.[7]

Appellant Caisip argues that, not having used violence against the complaining witness, he should be acquitted of

the charge. In this connection, His Honor, the Trial Judge, correctly observed:

"x x x While it is true that the accused Caisip did not lay hands on the complainant, unlike the accused Rojas and Villadelrey who were the ones who used force against Gloria, and while the Court is also inclined to discredit the claim of the complainant that Felix Caisip drew a gun during the incident, it sufficiently appears from the record that the motivation and inducement for the coercion perpetrated on the complainant came from the accused Caisip. It was his undisguised and particular purpose to prevent Gloria from entering the land and working on the same. He was the one who first approached Gloria with this objective in mind, and tried to prevent her from weeding the land. He had tried to stop Gloria from doing the same act even the day previous to the present incident. It was Caisip who fetched the policemen in order to accomplish his purpose of preventing Gloria from weeding the land and making her leave the premises. The policemen obeyed his bidding, and even when the said policemen were already over-asserting their authority as peace officers, Caisip simply stood by without attempting to stop their abuses. He could be hardly said to have disapproved an act which he himself induced and initiated." [8]

In other words, there was community of purpose between the policemen and Caisip, so that the latter is guilty of grave coercion, as a co-conspirator, apart from being a principal by induction. [9]

In the commission of the offense, the aggravating circumstances of abuse of superior strength [10] and disregard of the respect due the offended party, by reason of her sex, [11] were present, insofar as the three appellants herein are concerned. As regards appellants Rojas and Villadelrey, there was the additional aggravating circumstance of having taken advantage of their positions as members of the local police force. Hence, the penalty of imprisonment meted out to appellants herein, which is the minimum of the maximum prescribed in said Art. 286, [12] and the fine imposed upon them, are in accordance with law.

WHEREFORE, the decision appealed from is hereby affirmed, with costs against the defendants-appellants.

IT IS SO ORDERED.

Reyes, J.B.L., Makalintal, Zaldivar, Ruiz Castro, Fernando, Teehankee, and Barredo, JJ., concur.
Makasias and Villamor, JJ., took no part.
Dizon, J., on leave.

[1] Brief for the Appellants, pp. 58-60.

[2] "My mother! My mother!"

[3] "Chambra".

[4] Section 29, Rep. Act No. 296, as amended; *Garcia v. Cruz*, L-25790, Sept. 27, 1968; *People v. Caragao*, L-28258, Dec. 27, 1969; *Uy v. Tuason & Co.*, L-21525, Jan. 30, 1970.

[5] Art. 546, Civil Code of the Philippines.

[6] *Mendoza v. De Guzman*, 52 Phil. 164.

[7] *U.S. v. Mena*, 11 Phil. 543.

[8] Brief for the Appellants, pp. 73-74.

[9] *U.S. v. Tremoya*, 10 Phil. 89; *People v. Mancao*, 49 Phil. 887; *People v. Agbuya*, 57 Phil. 238; *People v. Tim-bol*, G. R. No. 47471-47473, Aug. 4, 1944; *People v. Delgado*, 77 Phil. 11; *People v. San Luis*, 86 Phil. 485.

[10] People v. De Guzman, 51 Phil. 105; People v. Flores, 52 Phil. 473.

[11] U.S. v. Quevengco, 2 Phil. 412.

[12] "x x x arresto mayor and a fine not exceeding 500 pesos x x x."

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