

## THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. SIXTO CANDELARIA, DEFENDANT AND APPELLANT.

*G.R. No. L-2743. March 29, 1950*

Ponente: MORAN, C.J.

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### MORAN, C.J.:

Appellant Sixto Candelaria was sentenced by the Court of First Instance of Nueva Ecija to reclusion perpetua for the crime of murder committed against the person of Ambrosio Fausto, and to indemnify the latter's heirs in the amount of two thousand pesos P2,000 and to pay the costs. At the trial of this case, appellant admitted having shot Ambrosio Fausto on November 21, 1943, at about 5 o'clock in the afternoon. Ambrosio Fausto was then the Mayor of the municipality of Talavera, Nueva Ecija, and was about to enter the cockpit when the appellant shot him from behind, causing his instant death. According to appellant, he shot Ambrosio Fausto because of the latter's pro-Japanese activities, such as accompanying Japanese soldiers in raids, being instrumental in the bombing of the barrios of Paludpud and Gulod where guerrillas were in hiding, and being seen in company with a Japanese by the name of Siwa.

Upon the basis of these facts, the appellant invoked the benefits of the Amnesty Proclamation. But the trial court refused to entertain such plea upon the belief that it can be invoked only before a Guerrilla Amnesty Commission but not in a Court of Justice. This is an error. It is expressly provided in the Amnesty Proclamation No. 8, that

"\* \* \* the accused, during such trial, may present evidence to prove that his case falls within the terms of this amnesty. If that fact is legally proved, the trial judge shall so declare and this amnesty shall be immediately effective as to the accused, who shall forthwith be released or discharged."

The judgment appealed from is reversed, and the case remanded to the court below for new trial for such additional evidence as the parties may desire to introduce in connection with the benefits of Amnesty invoked by the accused-appellant. After trial, the court shall render a new judgment. Without costs.

Ozaeta, Pablo, Bengzon, Padilla, Tuason, Montemayor, and Reyes, JJ., concur.

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