

SANTOS ANAL, ET AL., PETITIONERS, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

G.R. No. L-29814. March 28, 1969

Ponente: FERNANDO, J.

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FERNANDO, J.:

This petition for certiorari to review a decision of the Court of Appeals raises the question of whether or not petitioners could be convicted of the crime of unjust vexation[1] under an information charging them with the offense of offending religious feelings, by the performance of "acts notoriously offensive to the feelings of the faithful." [2]

According to the decision of the Court of Appeals sought to be reviewed, penned by Justice Gatmaitan, the nature of the case is set forth thus: "[Resolviendo]: En apelacion, Criminal No. 6184 del Juzgado de la Instancia, de Camarines Sur contra Agapito Escaro y otros por ofensa a los sentimientos religiosos, en donde, presentada la denuncia el 7 de Octubre, 1958, en el Juzgado de Paz de Calabanga, renunciada la investigacion pre-liminar por la defensa el 15 de Diciembre, elevada la causa al Juzgado a quo alli registrada la querella el 16 de Febrero, 1959, leida la misma, diose la contestacion de 'no culpable' de los procesados el 7 de Septiembre, 1959, y vista en su fondo en varias fechas empezando el 14 de Septiembre, 1960 y terminando el 10 de Febrero, 1965, se habia promulgado en su dia, decision que dispuso: 'In view of all the foregoing consideration, the Court declares Agapito Escaro, Domingo Largo alias Filipino Largo, Teofilo Cal, Primo Arceo, Bartolome Arceo, Martin Arceo and Santos Andal, guilty of the crime of offending religious feeling defined and punished under Art. 133 of the Revised Penal Code as amended, and therefore sentences each and every one of them to suffer the indeterminate penalty of from two (2) months and four (4) days of arresto mayor, to one (1) year and eight (8) days of prision correccional, and to pay the costs of the proceedings.'" [3]

The petition for review sets forth the statement of facts as found by the Court of Appeals. Thus: "* * * [Resultando]: Que no hay series cuestion sobre ciertos antecedentes: En el barrio de Manguringi pueblo de Calabanga, Camarines Sur, existe y existia desde muchisimos años un cementerio catolico; en fecha no bien aclarada en las pruebas, una tal Catalina Atienza con otros consiguieron la titulacion del terreno a su nombre; por lo que el cures parroco de Calabanga en representacion de la Iglesia Catolica entablo demanda de anulacion del titulo, asunto que gano la Iglesia en La Instancia pero perdio ante este Tribunal, vease el Exhibit 6, en fallo pronulgado el 19 de Octubre, 1964, aunque no se ha demostrado que ya es sentencia definitiva, pero no se discute que eso no obstante, la Iglesia siempre ha estado en posesion del terreno, y estaba en tal posesion el Septiembre, 1958; puss bien, el 23 del mismo mes de Septiembre, 1958, murio una vecina del barrio, llamada, Dorotea Bosque, mujer de uno de los acusados, Teofilo Cal, y ambos esposos pertenecian a la secta denominada, Jehovah's Witnesses; informada la Tesoreria del pueblo por Filipino Largo, uno de los acusados tambien partidario de la secta disidente, expidiose por la oficina la partida de defuncion Exhibit 1-C, y en la misma se hizo constar como lugar del entierro al mencionado cementerio catolico del barrio, con la nota de, 'and please enter the [remains] of Dorotea Basque', (Exhibit 1-C) pero se ye que la nota viene escrita en letras en nivel algo diferente de la

penultima linea del certificado; proveida pues de ese certificado, la familia de la difunta con otros creyentes de la secta interraron el cadaver en el cementerio cat6oica en la mencionada fecha, y es ese incidente que dio margen el proceso de autos; * * *."[4]

The facts as above set forth lack completeness. The decision of the Court of Appeals above-quoted likewise contained the following: "2. - [Considerando]: Que si bien los apelantes hacen hincapie en la alegada irnperiosa necesidad en que se hallaban per cuanto no habia otro cementerio en donde depositar los restos mortales de la Dorotea, exhibiendo en prueba el Exhibit 2, notese que esto no demuestra mas que en Calabanga no hay otro cementerio pero no es prueba concluyente de que no hubieran podido hacer el entierro en otros lugares cercanas, en el mapa por ejemplo de la pro-vincia de Camarines Sur se ve que Calabanga dista no mas de tres (3) kilometros del municipio adyacente de Bombon, ademas no talmente exige la ley de que se hiciera un entierro en un cementerio si no lo hay, en esos casos, puede pedirse autoridad especial para enterrar un cadaver fuera del cementerio, Art. 1074, Codigo Administrative Revisado; pero per encima de todo esto, lo que salta a la vista es que los procesados no habian obrado de la manera como obraron, por pura necesidad, por fuerza mayor, por decirlo asi, obraron mas bien para demostrar un poco de superioridad sobre el cura, para convencerle de que son ellos los poderosos en material de entierros en el cementerio catolico, pues, no solamente manejan conseguir una nota del tesorero, Exhibit 1, en que se indicara el cementerio catolico como el sitio del entierro, no solamente demostraron el mismo al cura e inclusive amenazaron a este para ceder, sino que con mañose ,enredo esquivando su interdicto, engañaron al portero Demetrio haciendole creer que ellos asurmirian la responsibilidad y luego, ya cuando dentro del cementerio, dieron curso a la obser-vancia de sus rites, cantando los himnos de su secta; recuerdese que ellos mismos trataron de probar de que no hubo cantos de himnos, cosa que de per si quiere decir que esos no eran de rigor, y si es que cantaron, coma se ha probado que sr, sin duda fu 6 para dar mas golpe y saber a su triunfo sobre la Iglesia Catolica; toda esta maniobra no puede menos de convencer de que no fue per fuerza mayor porque tuviesen que hacer lo que hicieron, era pura impertinencia, un plan preconcebido, para ponerse per encima del cura y de la Iglesia Catolica que personificaba; por lo mismo de haberse trocado los papeles, de haberse perte-necido el cementerio a los Testigos de Jehovah, y el cura par-roco de la Iglesia Catoilca no obstante previa prohibicion de ellos hubiese tenido la impertinencia de mandar enterrarse a una catolica en el mismo, llevandose a cabo la sepultura con todas las solemnidades catolicas, sin duda que los Testigos hubiesen y con mucha razon, acudido a los Tribunales de Justicia en queja de agraviados; * * *."[5]

The Court of Appeals in its decision of August 1, 1968 modi-fied the, judgment of the lower court finding petitioners, the accused in the criminal case, guilty of unjust vexation and im-posing on each of them the penalty of 30 days of arresto menor and a fine of P100.00 with subsidiary imprisonment in case of insolvency. Hence this petition for certiorari. Considering the facts as they presented themselves as well as the legal points raised in this petition, this Court, in a resolution of December 9, 1968, denied the same for lack of merit.

Then came this motion for reconsideration, petitioners insisting that the vital legal problem presented is the liability of a husband to be penalized with imprisonment and fine in burying the remains of his deceased wife in the only place for burial in the municipality in question. Citing the appropriate provisions of the Revised Administrative Code which imposed a duty on the widower to bury the remains of his deceased wife within 48 hours, and there being no other place for such burial, petitioners would assert that no crime of unjust vexation could have been committed by them under the circumstances.

The motion for reconsideration was referred to the Solicitor General for comment in a resolution of January 8, 1969. A comment to the following effect was, on January 20, 1969, sub-mitted to us by the Solicitor General: "[Come now] the undersigned counsel for respondent and in compliance with the resolution of this Honorable Court dated January 8, 1969, requiring comment on the motion for reconsideration filed by counsel for

petitioners, to this Honorable Court respectfully state in opposition thereto that the grounds relied upon in said motion had already been refuted by the undersigned in their appellee's brief and had been threshed out and disposed of by the trial court and the Honorable Court of Appeals. Hence, the instant motion for reconsideration should be denied."

Were it not for the facts as found by the Court of Appeals which we must respect, the specific question raised by petitioners in the motion for reconsideration cannot be accurately characterized as entirely devoid of merit. There being a legal duty cast on the survivor to bury the remains of the deceased within a definite period and there being only one cemetery, it could be asserted with some degree of plausibility that the performance of a legal duty could not be the basis of a criminal prosecution.

With the facts being clear, however, that petitioners in effect took the law in their own hands by employing force, their claim to be included within the mantle of protection it affords cannot be viewed with sympathy. The rule of law would be meaningless, if any and every effort coming from whatever quarter even under the stress of provocation, in defiance of legal norms, by the employment of force, except perhaps in some such legitimate instance as self-defense, would not be considered reprehensible.[6] Under the above circumstances, no judicial relief could be afforded petitioners.

WHEREFORE, the motion for reconsideration is denied, and the resolution of December 9, 1968 denying for lack of merit this petition for review of the decision of the Court of Appeals is reiterated. Without pronouncement as to costs.

Concepcion, C.J., Reyes, JBL, Dizon, Makalintal, Zaldivar, Teehankee, and Barredo, JJ., concur.
Sanchez, Ruiz Castro, and Capistrano, JJ., did not take part.

[1] Art. 287, par. 2, Revised Penal Code.

[2] Art. 133, Revised Penal Code.

[3] Annex A, Decision of the Court of Appeals, August 1, 1968, pp. 1-2.

[4] Petition for Review, p. 3.

[5] Annex A, Decision of the Court of Appeals, 9-11

[6] Cf. Philippine Association of Free Labor Unions vs. Salvador, L-29487, Sept. 28, 1968 and Kibad vs. Commission on Elections, L-28469, Oct. 29, 1968.

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