

PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. JAIME SANTOS, ALIAS "LA PERLA", ALIAS "VELASCO", ALIAS "SANTOS"; IRINEO CANLAS, ALIAS "CARSON", ALIAS "DIZON", ALIAS "ARCO", AKA "TUAZON"; JOSE FERRER, ALIAS "PEPE", ALIAS "FERRER"; FRANCISCO INOCENCIO, ALIAS "PANGILINAN", ALIAS "LIONING"; ONOFRE QUIAMBAO, ALIAS "EFREN QUIAMBAO", ALIAS "GARSON", ALIAS "GARRISON"; ESTRELLITA PANGAN, ALIAS "PANGAN", ALIAS "MELENSITA"; PEDRO GAMBOA, ALIAS "PETER", ALIAS "MARTOV", ALIAS "MAR"; ANACLETOV SUBA, ALIAS "LETTY", ALIAS "SUBA"; EPIFANIO NUCUP, AKA "REMY"; PARAS, ALIAS "DEFIN", ALIAS "ORDONEZ", ALIAS "ISAY", ALIAS "SAY"; LUCIANO FIGUEROA, ALIAS "LUZ"; FELICISIMO SAGGAL, ALIAS "TEDDY"; FELIX VICEATE, ALIAS "BUGNOT", ALIAS "VALDEZ"; FILOMENA CANLAS, ALIAS "MINING", ALIAS "CANLAS"; AND CRISTOMO MARISTELA, ALIAS "VILLAMOR", ALIAS "HENRY". THE AMENDED INFORMATION FILED IN THIS CASE FOLLOWED A COMMON PATTERN AND CHARGED THE DEFENDANTS WITH THE COMPLEX CRIME OF REBELLION WITH MULTIPLE MURDERS, ARSON, ROBBERIES AND PHYSICAL INJURIES. THE INDICTMENT IS COINED AS FOLLOWS:

G.R. No. 11813. September 17, 1958

Ponente: FELIX, J.

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FELIX, J.:

A total of 10 separate informations were filed before the Court of First Instance of Pangasinan, charging the defendants therein with the complex crime of rebellion with murders, robberies, etc. One of those cases is No. 20379 of said Court entitled People of the Philippines versus Jaime Santos, alias "La Perla", alias "Velasco", alias "Santos"; Irineo Canlas, alias "Carson", alias "Dizon", alias "Arco", aUas "Tuazon"; Jose Ferrer, alias "Pepe", alias "Ferrer"; Francisco Inocencio, alias "Pangilinan", alias "Lioning"; Onofre Quiambao, alias "Efren Quiambao", alias "Garson", alias "Garrison"; Estrellita Pangan, alias "Pangan", alias "Melensita"; Pedro Gamboa, alias "Peter", alias "Martov", alias "Mar"; AnacletoVSuba, alias "Letty", alias "Suba"; Epifanio Nucup, aUas "Remy"; Paras, alias "Defin", alias "Ordonez", alias "Isay", alias "Say"; Luciano Figueroa, alias "Luz"; Felicisimo Saggal, alias "Teddy"; Felix Viceate, alias "Bugnot", alias "Valdez"; Filomena Canlas, alias "Mining", alias "Canlas"; and Cristomo Maristela, alias "Villamor", alias "Henry". The amended information filed in this case followed a common pattern and charged the defendants with the complex crime of rebellion with multiple murders, arson, robberies and physical injuries. The indictment is couched as follows:

"That on or about the period comprised between August, 1947 and November, 1953, and on different dates and places in the Province of Pangasinan, Philippines, and within the jurisdiction of this Honorable Court, and in other parts of the Country where the accused and their companions have chosen to carry out their rebellious activities the above-named accused, together with about 231 others, conspiring and confederating together, and mutually helping one another, and providing themselves with unregistered firearms and weapons, namely, machineguns, submachineguns, hand grenades, carbines, pistols, rifles, shotguns, Springfields, and Japanese rifles, all members of the Hukbong Magpapalaya Ng Bayan (HMB) (People's liberation Army), otherwise known as HUKS, an insurrectionary organization which is the military unit of the Communist Party in the Philippines (CPP), organized and designed purposely to overthrow the present constituted Government of the Republic of the Philippines through force, violence, threats and sabotage, and remove from the allegiance to said Government and/or its laws, the territory and the people of the Philippines or any portion thereof, having come to an agreement with their comrades, and decided to commit the crime of rebellion and therefore, conspiring among themselves and with the accused in Criminal Case No. 19166 of the Court of First Instance of Manila, and acting in accordance with their conspiracy and in the furtherance thereof, and mutually helping one another, did, then and there, wilfully unlawfully, and feloniously, help and support the Hukbalahaps (HUKS) to rise publicly and take up arms against the Government of the Philippines or otherwise in such armed uprising for the purpose of removing the territory of the Philippines or portion thereof and/or the inhabitants of the Republic from their allegiance to the Government and laws thereof, as in fact the said Hukbong Magpapalaya Ng Bayan (HMB or the HUKS), pursuant to such conspiracy, have risen publicly and

taken up arms against the Government of the Republic of the Philippines to attain said purpose by then and there making armed raids, sorties, ambushes, and attack against the Philippine Constabulary, the Police patrols of the different Battalion Combat Teams Armed Forces of the Philippines, the civilian guards and other detachments constituted and organized by said Government of the Republic of the Philippines, as well as upon ordinary civilians, and as a necessary means to commit the crime of rebellion, in connection therewith and in furtherance thereof, have then and there, committed wanton acts of murder, pillage, looting, plunder, arson, and planned destruction of private and public properties, to create and spread disorder, terror, confusion, chaos and fear among the populace, and thus secured supplies and materials for the support and maintenance of the said uprising, to wit:

- (1) That on or about the 15th day of November, 1950, in the Municipality of Mangatarem, Province of Pangasinan, Philippines, and within the jurisdiction of this Honorable Court, the above named accused, conspiring and confederating with their fellow- members and companions of the People's Liberation Army, mutually aiding one another in pursuance of their aims, objectives and purposes stated above, with intent to gain, by means of force, threats and violence, with treachery and evident premeditation, did, willfully, unlawfully and feloniously, rise publicly and with unregistered firearms and weapons, sack, destroy, burn, rob, steal, plunder, occupy and enter by force of arms, intimidation and threats, the town and Government of the Municipality of Mangatarem, Province of Pangasinan, engaging in the course of said illegal and rebellious military operations, and encounter and battle with the Police and soldiers of the Armed Forces of the Philippines, and as necessary and immediate consequence of which, Isidro Rosario, Teofilo Sison, Francisca Peralta, Beatriz de Vera, Simplicio Albino, Ramon Bato were killed; Eugenia Martinez, Irinea Martinez, Pfc. Eugenio Megis, Mrs. Bonifacio Cruz, and Pfc. Silvino Trinidad were wounded, and twenty (20) private houses were burned and destroyed,
- (2) That on or about the 1st day of May, 1950, in the Municipality of Aeuilar, Province of Pangasinan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring together, acting jointly, and mutually aiding one another, did, then and there, wilfully, unlawfully and feloniously, commit robbery in band, arson, and murder of Liberate Fernandez.
- (3) That on or about the 2nd day of December, 1951, in the Municipality of Infanta, Province of Pangasinan, Philippines, Flying Squad "A" Company, "B" Company and "C" Company of PC No. 24 under Commander Velasco, raided the town of Infanta, burned a portion of the town proper and looted thirty (30) assorted firearms.
- (4) That on or about the month of March, 1952, in the Municipality of Mabini, Province of Pangasinan, Philippines, the above named accused, jointly with their companions in People's Liberation Army, or HUKS, conspiring together and mutually aiding one another, did, then and there, wilfully, unlawfully and feloniously, assault, attack and fire upon the Government troops thereat whom they considered as their enemies.
- (5) That on or about the 29th day of February 1952, in the Municipality of Urbiztondo, Province of Pangasinan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, in the furtherance of their purpose of overthrowing the Government of the Republic of the Philippines, by force and violence, conspiring and confederating together and mutually helping and aiding one another, and together with their companions in the People's Liberation Army or HUKS, did, then and there, with evident premeditation and treachery, wilfully, unlawfully, and feloniously attack, assault, fire, rob, steal, "sack, loot, plunder, and raid Government forces of Urbiztondo, Pangasinan.
- (6) That on or about the 22nd day of April, 1952 in the Municipality of San Clemente, Province of Tarlac, Philippines, the above-named accused, together with their companions in the People's Liberation Army or HUKS, did, then and there, wilfully, unlawfully and feloniously, assault, attack and fire upon the Government troops and as necessary and immediate consequence of which, four civilians, Julita Salgado, Regino Estayo, Placida

Natividad and Guillermo Larangan were killed; seven civilians, Fidel Pulmano, Demetria de Feliciano, Andres Toledo, Macazio Gualberto, Pastor Domingo, Primo Onisano, and C. Salgado, and one enlisted man, Cpl. Tomas Bunaog, were seriously wounded.

(7) That on or about the 11th day of May, 1951, in the Barrio of Bantocaling, Municipality of Mangatarera; Province of Pangasinan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring together, acting jointly, and aiding one another did, then and there willfully, unlawfully and feloniously, with treachery and evident premeditation, kill Adriano Saure, Eugenio Saure, Corazon Gusto and Eugenia Saure.

(8) That on or about the 24th day of May, 1951, in the Magdalena mountains, Municipality of Mangatarem, Province of Pangasinan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring together, acting jointly, and mutually aiding one another did, then and there wilfully, unlawfully f and feloniously, with treachery and evident premeditation, kill Pedro Rillon, Ceferino Rillon, Mariano Rillon and Perfecto Rillon, and also they committed the crimes of arson and robbery in band.

(9) That on or about the 12th day of November, 1951, in the Barrio of Pogonsili, Municipality of Aguilar, Province of Pangasinan, Philippines, and within the jurisdiction of this Honorable Court, the accused acting jointly and mutually aiding one another did, then ' and there, wilfully, unlawfully and feloniously, with treachery and evident premeditation, kill Primitivo Riparip, Carlos Senense, Pascual Senense and Candido Mondala. Contrary to law"

Of the defendants in this case only Jaime Santos, Luciano Figueroa, Jose Ferrer, Francisco Inocencio and Pedro Gamboa were arrested; the others remained at large. Jaime Santos filed on October 29, 1954, a motion to quash the information on the ground that it accused him of a multiplicity of offenses, namely, simple rebellion AND other common crimes (such as multiple murders, robberies, arson and physical injuries) in violation of the provision of Section 12, Rule 106 of the Rules of Court. This motion was overruled by the Court in its order of November 16, 1954, and the accused in this case as well as in 7 other cases were tried jointly as per agreement between the prosecution and the defendants therein.

In the course of the hearing, 3 of the defendants in this case (No. 20379), i.e., Jose Ferrer, Francisco Inocencio and Pedro Gambpa pleaded guilty to the crime of simple rebellion after the information was amended by the Fiscal to charge them with only said offense, and were sentenced accordingly. Ten of the accused, namely, Irineo Canlas, Onofre Quiambao, Epifanio Nucup, Paras (Christian name unknown), Felicisimo Saggal, Estrelita Pangan, Anacleto Suba, Felix Vicente, Filomena Canlas and Crisostomo Maristela were at large and could not be tried, so the case proceeded only with regard to Jaime Santos and Luciano Figueroa. Jaime Santos also offered to plead guilty of simple rebellion but the Fiscal refused to amend the information with respect to him. After hearing, the Court rendered judgment against these 2 defendants as follows:

"This Court finds the accused Jaime Santos, alias Velasco, La Perla, guilty beyond reasonable doubt of the complex crime of rebellion, with multiple murder, arson, and robbery, and pursuant to Art. 148, pars. 1 and 3, in connection with Art. 48, in relation to par. 7, Art. 13, and Art. 64, par. 4, all of the Revised Penal Code, and in accordance with the persuasive precedent set in the Politburo case of Jose Lava, Angel Baking, and others similarly situated (Crim. Case No. 14071, CPI, Manila), this accused is hereby sentenced to suffer the penalty of reehtsidn per- pitua; with the corresponding accessory penalties provided by law; to indemnify the heirs of Te6filo Sison, Beatriz de Vera, Isidro Rosario, Simplicio Albino, and Francisca Peralta, in the amount of F6,000 for each of said victims, or a total of F30,000 for all of said victims; and to pay the" proportional costs of this case. Let this accused be credited with one-half (%) of his preventive imprisonment.

This Court finds the accused Luciano Figueroa, olios Lux, innocent of the complex crime of rebellion, with

multiple murder, etc., but finds him guilty beyond reasonable doubt of the crime of illegal association, as defined and punished in Art. 147 of the Revised Penal Code, and he is hereby sentenced to suffer the penalty of six (6) months of *arresto mayor*, with the corresponding accessory penalty, and to pay the proportionate costs of this case. As he has been a detention prisoner for many times more than twice the period of the penalty here imposed on him, let him be forth- with released.

The instant case is hereby provisionally dismissed as to the other ten (10) accused, namely, Irineo Canlas, Onofre Quiambao, Estrelita Pangan, Anacleto Suba, Epifanio Nucup, Paras (Christian name not given), Felicisimo .Saggal, Fdlix Vicente, Filomena Canlas, and Crisostomo Maristela, all still at large, with proportionate costs *de oficio*".

From this decision, only Jaime Santos appealed to this Court and in this instance, his counsel maintains that the lower Court erred:

- (1) In not sentencing the appellant to suffer imprisonment of 1 year, 1 month and 10 days of *prisdin* correctional;
- (2) In imposing upon the appellant the penalty of life imprison- ment; and
- (3) In not following the doctrine laid down in the cases of *People vs. Hernandez* (52 Off. Gaz. [12] 5506; 99 Phil., 515) and *People vs. Gerdnimo* (53 Off. Gaz., [1] 68; 100 Phil., 90). Appellant Santos does not controvert the findings of fact of the trial court so the case is limited to the single issue of whether or not there exists a complex crime of rebellion witft murders, robberies, etc., defined and punished under the Revised Penal Code.

Before touching upon this point, We wish to state that according to the trial Judge, out of the 9 other crimes or group of crimes that were complexed with rebellion in the information filed in this case, the evidence produced to support, the participation of appellant therein was limited to those committed within the territorial juris- diction of this Court and more particularly referred to as the raids of Mangatarem, Pangasinan, on November 15, 1950 (No. 1); of Aguilar, Pangasinan, on May 1950 (No. 2); of Labrador, Pangasinan, on October 30, 1950 (No. 3) (which is not covered by the information); of Infanta, Pangasinan, on December 2, 1951 (No. 4); and of Urbiz- tondo, Pangasinan, on February 12, 1952 (it is to be noted that the raid of Urbiztondo referred to under No. 5 of the information is said to have taken place on February 29, 1952, so the evidence of the raid of February 12, 1952, could not appropriately be taken into account).

In the decision appealed from, the trial Judge further states that defendant Jaime Santos admitted in his confession that he participated in the raids of Aguilar, La- brador and Mangatarem in the Province of Pangasinan, and of Camp Macabulos in Tarlac as well as of the Acoje Mining Company in Zambales (Exh. A-Jaime Santos), which were made beyond the territorial jurisdiction of the Court *a quo*. Appellant, however, repudiated this confession claiming that he was compelled by the Con- stabulary, by force and strategem, to sign various confessions without knowing the contents thereof. What- ever the case may be, We find that according to the aver- ments of the information and the weight of the evidence produced, the acts perpetrated in the raid of November 15, 1950, in the municipality of Mangatarem (No. 1) were in pursuance of the aims, objectives and purposes of over throwing by force the constituted Government of the Republic of the Philippines and are therefore absorbed by the crime of rebellion and cannot be considered as in- dependent common crimes. The same thing can be said the acts committed in the attack of Aguilar on May 11, 1950 (No. 2), in the raid of Infanta on December 2, 1951, (No. 4), and in the raid of Urbiztondo on February 12, 1952 (No. 5), even if the evidence on this latter raid could be taken into consideration. Anyway, and even if "the other crimes said to have been committed in the course of the raids mentioned in Nos. 1, 2, 4 and 5 of the amended information could be considered as independent common crimes committed within the territorial juris- diction of the court *a quo*, appellant could not be convicted thereof, as We did in the case of *People vs. Geronimo*, 53 Off. Gaz. [1] 68; 100

Phil., 90 and the latter case at bar, appellant has objected to the information on the ground of the multiplicity of offenses charged therein in violation of Section 2-(e) of Rule 113 of the Rules of Court.

ed the crime of rebellion, but *as this Court has already held in the cases of *People vs. Amado V. Hernandez et al.*, 52 Off. Gaz. [12] 5506; 99 Phil., 515, and the later case of *People vs. Geronimo*, supra (by a voting of 7 against 4) this crime cannot be completed with other common crimes, because the latter are either absorbed by the crime of rebellion if committed in pursuance of the aims, purposes and objectives of the rebels and in furtherance of their intention to overthrow the duly constituted government by force, or are independent common crimes which had no connection with the rebellion and must be separately prosecuted in the proper court within the territorial jurisdiction of which the same had been committed.

The Solicitor General in his brief recognizes and yields to the doctrines We have laid down in the above-mentioned jurisprudence and recommends that the decision appealed from be modified holding that the lower Court erred in finding appellant guilty of the complex crime of rebellion with murders, arson and robbery and that appellant should be only found guilty of simple rebellion. This attitude of the prosecution constitutes a lesson to the trial Judge on the respect and deference that decisions of this Superiority deserve.

As may be noticed from the decision in the *Hernandez* and *Geronimo* cases, which had already been promulgated when the decision of the trial Judge in the case at bar was rendered on November 28, 1956, the respective opinions of the individual Justices of this Court were fully expressed and properly outlined. In the case of *People vs. Geronimo*, the writer of said Decision took pains to indicate, for the benefit of the Bench and Bar, how each of the members of the Court voted on the particular points involved therein, and it was evident from the exposition of the individual opinions of the Justices of this Court, arrived at after a careful, extensive and mature deliberation, that the doctrines then laid down as a result thereof, were unalterable and final as long as the composition of the Court remain the same as it was, or unless, of course, the law would be changed. Yet the lower Court, disagreeing with the principles laid down by this Tribunal on this matter, preferred to impose his own criterion on the flimsy pretext that said decisions were not yet final as the Solicitor General had filed motions for clarification and that the opinion of this Court was divided. Now, if a Judge of a lower Court feels, in the fulfillment of his mission of deciding cases, that the application of a doctrine promulgated by this Superiority is against his way of reasoning, or against his conscience, he may state his opinion on the matter, but rather than disposing of the case in accordance with his personal views he must first think that it is his duty to apply the law as interpreted by the Highest Court of the Land, and that any deviation from a principle laid down by the latter would unavoidably cause, as a sequel, unnecessary inconveniences, delays and expenses to the litigants. And if despite of what is here said a Judge, by delicate or acute qualms of conscience, still believes that he cannot follow Our rulings, then he has no other alternative than to place himself in the position that he could properly avoid the duty of having to render judgment on the case concerned (Art. 9, C. C.), and he has only one legal way to do that.

The penalty provided for the offense of rebellion is prison mayor and a fine not to exceed P20,000. (Art. 135, par. 1, Revised Penal Code). Considering, however, that the appellant offered to plead guilty if charged only of that offense, the mitigating circumstance of plea of guilt should be appreciated in his favor and there being no aggravating circumstance to offset this mitigating circumstance, that penalty shall be imposed in its minimum period (Art. 64, par. 2, Revised Penal Code).

Wherefore, and on the strength of the foregoing considerations, the decision appealed from is hereby modified by finding appellant guilty only of rebellion and sentencing him to the penalty of 7 years, of prison mayor, to the accessories of the law, and to pay a fine of P10,000, without subsidiary imprisonment in case of insolvency in view of the nature of the imprisonment penalty imposed upon him. Appellant is further sentenced to pay the costs. It is so ordered.

Paras, C. J., Bengzon, Bautista Angelo, Concepcion and Reyes, J. B. L., JJ., concur.
Reyes, A., J., concurs in the result.

DISSENTING

PADILLA, J.,

I dissent from the majority opinion for the same reasons stated in my concurring and dissenting opinion in the case of *People vs. Geronimo*, 53 Off. Gaz., 68, 100 Phil., 90.

DISSENTING

MONTEMAYOR, J.,

I dissent for the same reasons given in my dissenting opinion in the case of *People vs. Hernandez, et al.* (52 Off. Gaz., [12] 5506; 99 Phil., 515), and in my concurring and dissenting opinion in the case of *People vs. Geronimo* (53 Off. Gaz., [1] 68; 100 Phil., 90).

Incidentally, I wish to register my disagreement to that portion of the majority opinion found on pages 10-12, wherein the trial Judge is given a lengthy and stern admonition, yea, a lecture, because of his failure or refusal to follow in deciding the case, the doctrine laid down by the majority opinion in the case of *People vs. Hernandez, supra*. I agree with the writer of the majority opinion in the present case that the rule and usual procedure is for judges of inferior courts to abide by and follow the law as interpreted by this Tribunal, regardless of their private opinions and convictions. However, when the interpretation or opinion of this Tribunal is far from being unanimous, like in the *Hernandez* case, and considering the fact that even the highest court of the land occasionally reverses itself, not only due to a change in the membership thereof, but also to a change in opinion of the Justices themselves, perchance to attune their opinion to changing times, conditions and public policy, I believe that* inferior courts should be permitted now and then to depart from similar opinions, doctrines or interpretations of a superior Tribunal, for that is one and a direct way of provoking a reexamination of an important legal question, and giving the Court of last resort an opportunity of either reaffirming the old doctrine or abandoning it, and adopting a new one.

It may be mentioned, in addition, that the trial Judge in not following and applying the ruling of this Tribunal (majority) would appear not to have wantonly ignored said ruling, much less defied superior authority, but on the other hand, gave his reasons, to me not bad ones, for acting as he did.

Edencia, J., concurs.

Judgement modified.

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