

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. DANIEL PAGADUAN, EVARISTO LIMPIN AND FRANCISCO MASIBAY, DEFENDANTS AND APPELLANTS.

G.R. No. 12616. November 02, 1917

Ponente: MALCOLM, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-12616/>

MALCOLM, J.:

This case is one growing out of events which transpired in 1899 during the existence of the Filipino Revolutionary Government.

On June 26, 1916, an amended information was filed in the Court of First Instance of Nueva Ecija, charging Daniel Pagaduan, Francisco Masibay, Evaristo Limpin, and Modesto Raingin with the crime of robbery with homicide. The defendants on arraignment entered a plea of not guilty and at the same time set up what amounted to a special plea of autrefois acquit. After trial before the Honorable Vicente Nepomuceno, judge of First Instance, Modesto Raingin was acquitted, Daniel Pagaduan, Evaristo Limpin, and Francisco Masibay were convicted and sentenced to life imprisonment (cadena perpetua). These last named defendants have appealed.

As introductory to a statement of the facts, a few preliminary observations are in order. And first, it is to be noted that seventeen years elapsed between the alleged perpetration of the crime and the institution of the prosecution. The duty of the court to resolve all reasonable doubt in favor of the accused is thus intensified. Delay in the commencement of a criminal action creates a suspicion unless explained. The motive of the prosecution in suddenly assuming activity after long continued silence, when the accused have made no effort to escape and the witnesses are available, may well be questioned. Herein, it is suggested by the evidence and in the argument that personal and political reasons actuated the prosecution. We proffer no comment as to this, but only mention it as offering a possible ulterior explanation of the prosecution. The lapse of time may also result in the destruction of affirmative evidence tending to establish the innocence of the accused. Again, and from an entirely different standpoint, the testimony of witnesses such as are found in the present case, while rightly subject to careful scrutiny, should not be rejected if found to be reasonable and consistent and not contradicted by evidence from any reliable source. These principles are here set forth, not as establishing any new and novel doctrines, but merely, in synthesis, as indicative of the attitude of this court as disclosed in numerous decisions. (See especially *U. S. vs. Mante* [1914], 27 Phil., 134; *U. S. vs. Briones* [1914], 28 Phil., 367; *U. S. vs. Cardona* [1917], 36 Phil, 438.) Notwithstanding, however, instead of giving the accused the benefit of these views, the trial judge, in his decision, after making statements which would inevitably lead to acquittal, continually nullifies the same, by failing to believe the evidence for the defense. As opposed to such an attitude, we approach a statement of the case, remembering not alone the presumption of innocence in favor of the accused, but that the passage of time may have produced an unfavorable effect on the chances of the defense, remembering that, under such conditions, the prosecution must establish its case by evidence which taken together is found to be clear and convincing, and remembering, finally, that the testimony of the witnesses for the defense are not to be rejected without good reason but are to be given, in view of the circumstances of this case, special consideration.

The statements just made fail to disclose the unusual features presented by this appeal. In order to get the situation clearly before us, we must make a finding of the salient facts in chronological and historical form.

In May, 1899, the war between the American and Revolutionary forces in the Philippines was on. The Filipino Government, from the standpoint of International Law, was of the class known as "de facto government." (Macleod vs. U. S. [1912], 229 U. S., 416.) The capital of the Revolutionary Government was at Tarlac. General Aguinaldo was the Commanding General and President of the Revolutionary Government. General Luna was in command of the Revolutionary forces in the north. Colonel Pablo Tecson, who previously had been Secretary and Member of the Revolutionary Congress and Secretary of the Mixed Civil and Military Commission, in May, 1899, was Auditor to the Commanding General and President. General Pablo Padilla was military governor of Nueva Ecija. Santiago Guimson was a "Juez instructor." Benito Calderon was a "Delegado de justicia" in Zaragoza, Nueva Ecija. The northern provinces, including the Province of Nueva Ecija, were under the control of the Revolutionary Government. Local administration adapted from the system in force under Spain was in operation. The municipality of Zaragoza, Province of Nueva Ecija, had such a local organization. Vicente de Castro, now deceased, was the president or local chief of Zaragoza. Daniel Pagaduan, defendant, was "Delegado de policia." Francisco Masibay, defendant, was "Delegado de rentas." Evaristo Limpin, defendant, was a policeman in Zaragoza.

General Luna had earlier issued an order to the authorities of the Revolutionary Government under his jurisdiction to hunt down and kill all spies. The defendant Pagaduan testified that this order was in substance as follows: "There having come to the notice of the Office of the Secretary of War that with frequency some Chinamen serve as spies for the American forces, it is hereby decreed to all civil or military officials that upon the approach of the American forces to their town or towns, they immediately order the arrest of the Chinese residents in the respective towns, and should they arouse suspicion that they are spies, or be found to be under such circumstances as to prejudice our Government, that they be ordered executed." This order was received in Zaragoza. Certain Chinese in the municipality had been suspected of being spies of the Americans. Acting, therefore, pursuant to the circular of General Luna and under the direct order of the municipal president, on one of the days of May, 1899, the houses of these Chinese were sacked. The Chinese, nine in number, were conducted to the municipal building. A little later, the Chinese were taken to the barrio of Balucot and killed. The present defendants with others participated directly in the execution of these deeds.

These occurrences, coming to the notice of General Aguinaldo, Colonel Tecson was ordered to make an investigation. No one was in a better position to know what happened at this investigation than Colonel Tecson, the man who conducted it. We are shown no reason which would authorize us to conclude, as did the trial court, that the vital part of Colonel Tecson's testimony "is unworthy of belief." Moreover, Santiago Quimson, Juez instructor, and Benito Calderon, Delegado de justicia, corroborated Colonel Tecson's remembrance of this investigation. Colonel Tecson testified that he proceeded in the hearing pursuant to the provisions of the Military Code made up of orders of the Commanding General. After examining many persons both in Nueva Ecija and in Tarlac, Colonel Tecson says that he found it to be true that the dead Chinese had been spies, who had transmitted information to the Americans. As a result of the investigation, General Aguinaldo ordered the accused to be liberated.

Nine years passed. In October, 1908, the justice of the peace of Zaragoza conducted an investigation of charges against Pagaduan and Masibay. Nothing came of the investigation. Eight years more passed. And then, the present prosecution was instituted.

Expecting contradictions and failure of memory from witnesses, some of whom are ignorant men, because of the long period of time which has passed since the actual events transpired, and recalling our preliminary

observations the foregoing are believed to be true facts.

Defendants and appellants assign three errors of the trial court, namely: (1) In declaring that the accused are guilty of the crime of murder; (2) in not declaring that the accused were previously put in jeopardy; and (3) in not declaring that the accused are entitled to the benefits of the Amnesty Proclamation issued by the President of the United States on July 4, 1902. We pass by the first assignment of error for on a bare statement of the proof unsupported by the other contentions, the assignment could not prosper. The second assignment of error is to the effect that the accused having been tried and acquitted of the same charge by a tribunal of the de facto Government, they have been twice placed in jeopardy of the same offense. A study of this unusual question in the light of history and jurisprudence would prove most interesting. Regretfully we abstain from such a fascinating investigation in order to resolve the last assignment of error, which is more easily decisive of the case.

Do the accused come within the provisions of the Amnesty Proclamation of the President of the United States of July 4, 1902? This proclamation declared:

"A full and complete pardon and amnesty to all persons in the Philippine Archipelago who have participated in the insurrections aforesaid (against Spain or the United States) or who have given aid and comfort to persons participating in said insurrections, for the offenses of treason or sedition and for all offenses political in their character committed in the course of such insurrections pursuant to orders issued by the civil or military insurrectionary authorities or which grew out of internal political feuds or dissensions between Filipinos and Spaniards or the Spanish authorities or which resulted from internal political feuds or dissensions among the Filipinos themselves during either of said insurrections."

The Amnesty Proclamation was intended as a humane grant of mercy and grace. Acts occurring during the stress of war, which under ordinary conditions would merit punishment, were to be forgiven and forgotten. The Government was not to await the passing of years, and then for some cause or other, or out of caprice, or even for more reprehensible motives, suddenly drag citizens from their homes, stand them before the bar of justice, and try and convict them as in the usual criminal case.

The Amnesty Proclamation has been held to cover three classes of offenses: (1) Purely political crimes, compendiously described in the proclamation as "treason and sedition;" (2) common crimes "political in their character," that is, committed in furtherance of the interest of the insurrection, if committed pursuant to orders from superior authority; and (3) crimes which are shown to have had their origin in the two classes of "internal political feuds or dissensions" named, without reference to whether they are in their nature political or common crimes, or common crimes of a political character, and without reference to whether they were committed under orders of a superior authority or not. (U. S. vs. Vergara [1903], 1 Phil., 638.) How do our facts plumb with these essential requisites of the Amnesty Proclamation? All of the accused were officials or employees of the Revolutionary Government. The defendants were taking part in a civil capacity against the United States in the insurrection mentioned in the Amnesty Proclamation. Murder and robbery are the ordinary appellations of the crimes they committed. Such are abhorrent crimes high in the scale of infamy. The State punishes them with long imprisonment or death. Yet, in times of war, such occurrences are not unexpected. The bloody tragedies of the French Revolution and of the American Civil War, and, even more recently, the events of the Russian war of liberation, convey to us a message of toleration and commiseration. So likewise in the Philippines, the common crimes of murder and robbery could be, and were, committed during the Revolution, under circumstances which clothed them with a political character. These crimes related to the Revolution, and apparently were committed to further the interests of the Revolution. The killing of persons who were believed to be American spies has been held, in many cases, to be crimes falling within the scope of the Amnesty Proclamation. Even where the officer not only kills suspected persons but robs them of their property, the robbery has been regarded as in the nature of

a reprisal and so to be pardoned with the murder. (See U. S. vs. Alhambra [1903], 2 Phil., 80.) And finally, herein, it is not to be forgotten that the alleged crimes were committed by officers of the Revolutionary Government in pursuance of orders issued by their superior military leaders.

The defendants and appellants are entitled to the benefits of the Amnesty Proclamation. Accordingly, the judgment of the lower court is reversed and the defendants and appellants are acquitted, with the costs of both instances de officio. So ordered.

Arellano, C. J., Torres, and Araullo, JJ., concur.

JOHNSON, J., concurring:

I agree with the conclusion that the defendants should be absolved from all liability under the complaint upon the ground that they are entitled to the benefits of the Amnesty Proclamation of July 4, 1902. It has been the policy of this court since its organization not to include in a decision any doctrine or argument which is not germane to the particular question presented. I am still of the opinion that that policy is a wise one and should be adhered to. Questions which are, and not. which may be, presented should be decided only.

CARSON, J., concurring:

I concur. The accused are clearly entitled to the benefits of the Amnesty Proclamation.

STREET, J., concurring:

I concur on the grounds stated by Justices Carson and Johnson.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.