

THE UNITED STATES, PLAINTIFF AND APPELLEES, VS. LEON MORALES ET AL., DEFENDANTS. PEDRO RIGOR, MARIANO GORUSTPE, AND CIPRIANO DE LOS REYES, APPELLANTS.

G.R. No. 12644. December 22, 1917

Ponente: TORRES, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-12644/>

TORRES, J.:

This cause was instituted by a complaint filed by the provincial fiscal, on December 7, 1915, charging the above-mentioned fourteen defendants with the crime defined and punished by article 223 of the Penal Code, and, on August 25, 1916, judgment was undered therein whereby Pedro Rigor, Cipriano de los Reyes, and Mariano Goruspe were each sentenced to the penalty of ten days' arresto in the municipal jail of Tarlac and to pay a fine of 125 pesetas, together with one-fourteenth of the costs, or, in case of insolvency in respect to the fine, to subsidiary imprisonment, not to exceed three days, at the rate of one day for each P2.50 they should fail to pay. With respect to Raymundo Capiral, Dalmacio Capiral, and Hermenegildo Tejada, the case was dismisses; and Leon Morales, Pedro Gallardo, Pedro Mendoza, Pedro Muega, Aniceto Gonzales, Juan Vasquez, Geronimo Gusto, and Guillermo Damian were absolved from the complaint, with the remaindet of the costs de officio. From this judgment the defendants Rigor, Goruspe and Reyes appealed.

Upon a careful examination of the record of the proceedings in the present cause, the following facts are found to have been proven: That shortly after 8 o'clock of the evening of July 15, 1915, about thirty residents of the barrio of Moriones, of the municipality of Tarlac, accompanied by a number of women and children, all of whom belonged to the Catholic creed started out in a procession form the Catholic church of said municipality intending to pass through some of the streets of the town, as they had already done on previous evenings. As they went along in the procession they said prayers and carried the image of the Virgin of the Immaculate Conception; but on arriving in front of the Aglipayan church on Calle San Agustin, several men, among whom were Pedro Rigor, who is an Aglipayan priest, and the residents Mariano Goruspe and Cipriano de los Reyes, there posted with others and provided with clubs and sticks, prevented the Catholic procession from proceeding further and compelled its members to take another route, which was not a street and was dirty, and the priest, Rigor, said to them that he had previously warned them not to say prayers during the novenary; thereupon Maximo Cayetano, a resident who on that occasion was conducting the procession and leading those in it who were saying prayers in novena, replied to the priest, Rigor, that the latter ought not to prohibit them form doing a good deed, and after this reply, gave the order for the procession to continue its march; but at this moment Rigor, goruspe, Reyes, and others of their companions attacked said maximo cayetano, some of them with sticks and clubs while a majority of the others engaged in pushing back the people in the procession, as a result of which aggression they started to run, the image of the Virgin fell to the ground and was abandoned, and the procession was disbanded. During the disturbance the crown of the image disappeared and one of its hands was broken. The foregoing facts were brought out by the testimony of the said Cayetano and the eyewitnesses Hilario de los Santos, Roman Yamson, and Bartolome Licu, who testified that the defendants Reyes, Rigor and Goruspe, with others, met the members of

the procession, prevented them from proceeding and passing in front of the Aglipayan church, and maltreated Maximo Cayetano and others in the procession, and that the priest Rigor also said to them that he had previously warned them that they should not in the future perform the novena by a procession through the streets.

According to the medical certificate, Exhibit A, issued by Dr. Juan Nepomuceno, who examined Maximo Cayetano's body, the latter bore slight wounds as a result of the maltreatment he had received.

The defendants, Pedro Rigor, Mariano Goruspe, and Cipriano de los Reyes, pleaded not guilty and denied the charge filed against them. Pedro Rigor stated that at the time of the occurrence he was praying in the Aglipayan church, and that, on noticing the commotion and hearing the shouts in the adjacent street, he ordered a mandatory of his to make an investigation and inform him of what was going on, whereby he learned that Mariano Goruspe and Maximo Cayetano had raised a disturbance. This exculpatory statement appears to have been refuted by the witnesses for the prosecution, and specially by the very witness for the defense, Teodoro Lacsamana, a policeman, who, on hearing the tumult, went to the place of the occurrence. His testimony corroborated that given by the aforementioned witnesses for the prosecution. He also testified that he found the priest, Pedro Rigor, Cipriano de los Reyes, Maximo Cayetano, and several others in the place of the disturbance.

The other defendant, Goruspe, likewise denied the acts charged against him, and in exculpation testified that on the arrival of the procession of the Roman Catholics in front of the Aglipayan church, he warned Maximo Cayetano not to halt in the street the procession he was conducting, so that the Aglipayans might have room and a passage way, and that, if they should halt there in the afternoon of the following day, perhaps something might happen; but that Cayetano, without replying, went forward with the procession until the latter, still in formation, entered the Catholic church; that afterwards Cayetano returned to the place where witness was, to ascertain what the latter had said, and forthwith assaulted witness, with the aid of the witnesses Santos, Yamson, and Licu, who accompanied Cayetano; and that, in response to witness' cries for help, Clemente Basilio, Valeriano Sembrano, and others came to the scene.

Article 223 of the Penal Code provides:

"Art. 223. The penalty of prison correccional in its medium and maximum degrees and a fine of not less than six hundred and twenty-five and not more than six thousand two hundred and fifty pesetas shall be imposed upon any person who, by means of threats, violence, or other equivalent compulsion, shall force some other person to perform an act of worship or prevent him from performing such act."

This article among the several others contained in section 3, chapter 2, title 2, book 2, of said code, is the only one now applicable to crimes in the matter of religion and worship which may be committed in this country, and provides punishment for the delinquent who shall prevent some other person from performing any act of worship.

The facts were fully proven that, on one of the occasions when the procession passed through Calle San Agustin, where the Aglipayan church is situated, after the priest, Pedro Rigor, had given Maximo Cayetano an unequivocal warning that the procession should not go out to pray in novena through the streets, nor pass in front of said Aglipayan church, on its doing so in the evening of July 15, the said priest, Rigor and the other defendants Goruspe and Reyes, who, with others were awaiting it there, went to meet those who formed said religious procession, and while some maltreated Maximo Cayetano, who was conducting it, others engaged in pushing back its members and preventing their going forward, by which procedure they succeeded in disbanding it and dispersing its members in such wise that, through fright, they abandoned the image of the Virgin in the street. These facts appear to be corroborated by Maximo Cayetano and the three aforementioned witnesses for the prosecution, and also by the witness for the defense, Clemente Basilio, who positively stated that the cause of the disbandment of the procession was the fear that predominated in the minds of those who composed it, as a result

of the assault and of the tumult raised by the defendants, preventing the residents who attended the procession and said prayers of the Catholic ritual, from going forward and continuing the pious exercise which they had a right to perform, for they were proceeding religiously and orderly through Calle San Agustin, giving no cause for any disturbance whatever, and on arriving in front of the Aglipayan church were compelled to suspend the religious acts they were performing. There is no evidence of record that the local authority had forbidden the passage of the procession through the streets of the town nor that said religious acts were contrary to law, morals, or public order.

The defendants themselves were not authorized to hinder the passage of a Catholic procession through the street in front of the Aglipayan church, to which they belong, and by performing reprehensible acts of maltreatment and violence against the persons of the parties attending the procession, they produced as a result and by force the dissolution of said religious procession and prevented those attending it from performing the religious acts in which they were engaged. The defendants have therefore incurred the penalty prescribed in said article, and, as the commission of the crime was unaccompanied by any extenuating or aggravating circumstances, they should be punished with the double penalty provided by law, in the medium period of the medium and maximum degrees of the penalty of prison correccional, and each of the by a fine of 1,000 pesetas.

In the judgment appealed from, the crime charged is classified as a mere misdemeanor for the disturbance of a religious procession which a number of Catholics were holding through the streets of the town of Tarlac, and, on this ground, the trial court held that said crime was not comprised by the aforementioned section 3 of chapter 2, title 2, book 2, of the Penal Code, but by article 571 of the same Code.

The evidence adduced at the trial proves that the defendants, by means of force and violence, succeeded in realizing their decided purpose of preventing at any risk a religious procession of the Catholic Church of Tarlac from continuing on its way through Calle San Agustin, where the Aglipayan church is situated; that they opposed the exercise of the pious acts which, on the evening of the occurrence in question, the Catholics were performing as they were entitled to do; and that the defendants, impelled by the passion of intolerance, perhaps in the belief that the Aglipayan religious faith to which they belonged was the only one which ought to predominate in that town, devoted themselves to preventing absolutely the performance of the religious rites which were then being performed by the persons attending said procession, and with this purpose in view, having provided themselves with sticks and clubs, they stationed themselves near the church to which they belonged and, on the arrival there of the Catholic procession, not merely disturbed it, but, by means of violent and aggressive acts, dissolved it and dispersed the members thereof, who fled in fright and abandoned the image of the Virgin which they were carrying.

It is seen that the defendants, by dissolving the procession and by main force dispersing its members, proposed not only to interrupt and disturb a religious procession, but also absolutely to prevent the person taking part therein from being able to address their prayers to God in the manner established by the Catholic church, to the community and confession of which they belonged. This procedure was entirely unlawful and the acts committed by them are punishable under the aforesaid article of the Penal Code. In the present case, the crime prosecuted is totally different from that concerned in the case of the United States vs. Balcorta (25 Phil., Rep., 273), for the reason that the herein defendants in dissolving the procession and putting its members to flight by means of violence exercised upon their persons, prevented them from being able to perform technically religious acts which they were entitled freely to perform and under the protection of the authorities.

The facts involved in the case of the United States vs. Balcorta are related in the following paragraphs transcribed from the judgment rendered therein:

"It is alleged that the record does not sustain the guilt of the appellant. The record, however, clearly shows that the accused entered a private house, uninvited, where services of the Methodist Episcopal church were being conducted by between ten and twenty persons, and threatened the assemblage with a club, thereby interrupting or disturbing the divine service.

* * * * *

"The record fails to disclose the purpose of the defendant in committing the acts complained of. It is true that it is shown that the defendant was of the Aglipayan faith, while the members of the congregation were of a different sect, but none of the witnesses for the prosecution state that the defendant made any comment whatever upon religion. He simply threatened to assault them with a stick he was carrying if they did not stop the services. Under the circumstances, and considering that it was not proven that religious hatred prompted the defendant to act as he did, his offense appears to be simply that of disturbing or interrupting the religious services. An essential element of the crime provided for in article 223 was not proven and the court erred in finding him guilty of the crime therein defined.

"It is further alleged that the people thus dispersed by the defendant were not holding religious services, as they were simply reading some verses out of the Bible. We have been unable to find any provision of law which requires religious services to be conducted in approved orthodox style in order to merit its protection against interference and disturbance."

A mere perusal of the three preceding paragraphs shows that the facts therein related are very different from those concerned in the present decision.

For the foregoing reasons it is proper that, reversing the judgment appealed from in the part thereafter relative to said three defendants and appellants, Pedro Rigor, Mariano Goruspe, and Cipriano de los Reyes, they be, as they are hereby sentenced each to the penalty of three years six months and twenty-one days of prison correccional, to the accessory penalties of article 61, to the payment by each of them of a fine of 1,000 pesetas, and in case of insolvency, to the corresponding subsidiary imprisonment not to exceed one-third of the time of the principal penalty, to pay each of them one-fourteenth of the costs of first instance and one-third of the costs of this second instance. So ordered.

Arellano, C. J., Johnson, Araullo, and Avancena, JJ., concur.

MALCOLM, J., concurring:

I concur in the opinion and judgment as handed down by Justice Torres. Reference is made to the case of the United States vs. Balcorta. ([1913], 25 Phil., 273). This case held those articles of the Penal Code defining special crimes against the State religion as well as article 225, defening a crime against all others than that religion as no longer operative. The same decision found article 223 of the Penal Code designed to punished acts of interference with the freedom of will and conscience in religious matters, and so, in effect. Applying these principles, it was found that the acts of disturbance or interruption of religious service were not prompted by the motives provided for in article 223. The facts in the present case disclose unequivocally that the accused were endeavoring through violence to prevent persons from performing an act of worship by taking part in a religious procession. It is accordingly our duty to give force to the great constitutional principles enunciated in the Treaty of Paris and in the Philippine Bill of Rights protecting the free exercise and enjoyment of religious profession and worship, the violation of which is punished by the Penal Code. Even though the penalty meted out to the accused is severe, it is not too severe, if religious liberty is to be respected.

CARSON, J., dissenting:

I dissent.

I think the offense committed was a misdemeanor as found by the trial judge, and that the judgment entered in the court below should be affirmed.

The facts in this case are substantially identical with those in the case of the United States vs. Balcorta (25 Phil., Rep., 273), wherein we held that the interruption and forcible dispersal of a bible class was a misdemeanor as defined and penalized in article 571 of the Penal Code, and not a violation of article 223 of that code.

STREET, J., dissenting:

I dissent.

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.