

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. ENRIQUE ITURRIUS ET AL., DEFENDANTS. ENRIQUE ITURRIUS, APPELLANT.*G.R. No. 13017. March 09, 1918*

Ponente: JOHNSON, J.

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On the 17th day of April, 1917, the prosecuting attorney of the Province of Ambos Camarines presented a complaint against the said defendants for a violation of the Election Law. The complaint alleged:

"That, on or about October 3, 1916, in the municipality of Iriga, Province of Ambos Camarines, P. I., and in the first precinct of said municipality, a special election for senators was held in the Sixth Senatorial District, the accused being the election inspectors, duly appointed and qualified and acting as such, Enrique Iturrius, as chairman of the election board, and Felipe Carrascoso and Lope S. Ubalde, as members thereof.

"That said accused, Enrique Iturrius, Felipe Carrascoso, and Lope S. Ubalde, as such election inspectors, did, voluntarily, unlawfully, criminally, and knowingly, draw up and sign an election return in which they set forth and made it to appear, and so certified under their signatures, that Messrs. Jose Fuentebella, Tomas Arejola, Tomas Almonte, Vicente de Vera, Mariano Abella, and Mario Guarina, who were candidates for the office of senator, had, in said election, each received respectively the following number of votes:

Jose Fuentebella	
838	
Tomas Arejola.....	
680	
Tomas Almonte.....	
169	
Vicente de Vera.....	
61	
Mariano Abella.....	
67	
Mario Guarina	
16	

when, in reality, as the said accused well knew, said Jose Fuentebella received about 438 votes; Tomas Arejola, about 280 votes; Tomas Almonte, about 123 votes; Mariano Abella, about 67 votes; Vicente de Vera, about 61

votes; and Mario Guarina, about 16 votes.

"Acts committed in violation of law."

Upon said complaint each of the defendants was duly arrested and arraigned. Upon arraignment they each plead not guilty. Later the defendants Felipe Carrascoso and Lope S. Ubalde expressed, in open court, their desire to withdraw their plea of "not guilty" and to substitute therefor the plea of "guilty," which request was granted by the court and the plea of "guilty" was entered by them. Immediately upon hearing the plea of "guilty" the Honorable Isidro Paredes, judge, upon a consideration of the facts alleged in the complaint, sentenced each of them to pay a fine of P450 and, in case of insolvency, to suffer six months of subsidiary imprisonment, and each to pay one-third part of the costs. The court further ordered that said fine shall be paid not later than the 15th day of May, 1917, and in case of a failure to pay the same on or before said date, that said defendants be arrested and placed in the provincial jail for the purpose of complying with said sentence.

On the 26th day of April, 1917, the defendant Enrique Iturrius was duly arraigned and plead not guilty, and the court proceeded with the trial of the said case on the same day. After hearing the evidence the Honorable Isidro Paredes found the defendant guilty of the crime charged in the complaint and sentenced him to be imprisoned for a period of eight months and to pay a fine of P300 and, in case of insolvency, to suffer subsidiary imprisonment in accordance with the provisions of the law, and to pay one-third part of the costs. From that sentence the defendant Enrique Iturrius appealed to this court.

His attorney in this court admits the guilt of the appellant, but pleads for a reduction of the penalty imposed by the lower court. In the brief of the appellant we find the following statement admitting that he is guilty of the crime charged:

"That he studied carefully, page by page, the whole record of the case, and ingenuously confesses that the facts upon which the decision of the lower court is based—facts which constitute the elements of the crime with which the appellant is charged—are supported by the evidence presented by the prosecution, and this evidence has not in any way been over-thrown by the defense, but that, on the contrary, same was admitted, not to state that it was corroborated, by the testimony of the accused himself, through his own statements as well as his admission of all the exhibits of the prosecution, especially the Exhibit marked K which is a confession voluntarily and spontaneously made by the accused himself without any promise being made to him."

The admission of the appellant of his guilt of the crime charged in the complaint renders it unnecessary to make an extensive analysis of the evidence adduced during the trial of the cause further than to say that, in addition to the fact that the proof shows, beyond a reasonable doubt that the defendant committed the acts charged in the complaint, we have his own declaration in which he fully and frankly confessed his guilt.

Rarely are the courts called upon to decide criminal cases which show a greater culpability on the part of an appellant than the facts in the present case. The appellant, by his own confession, has convicted himself of an attempt to defeat the will of the people in their participation in the affairs of their own self-government. The people of the Philippine Islands have been granted the right to select, by secret ballot, the men who shall make laws for them. They have been given a right to participate directly in the form of government under which they live. Such a right is among the most important and sacred of the rights of the people in self-government, and one which must be most vigilantly guarded if a people desires to maintain for themselves and their posterity a republican form of government in which the individual may, in accordance with law, have a voice in the form of his government. If republics are to survive and if the people are to continue to exercise the right to govern themselves and to directly participate in the affairs of their government by selecting their representatives by secret ballot, then the maxims of such a government must be left to the watchful care and reverential guardianship of the

people. Eternal vigilance is the price paid by a free people for a continuance of their right to directly participate in the affairs of their government. Designing, ambitious, corrupt, and unscrupulous politicians, if the people are off their guard, will ingeniously and persistently encroach upon the rights of an unwary people, and will, finally, undermine the very foundations of self-government and the rights of the people. It behooves the people under a free government to prosecute to the limit, without stint or favor, every person who attempts, in the slightest degree, to interfere with, or who attempts to defeat, their direct participation, by secret ballot, under the forms prescribed by law, in the affairs of their government. If nefarious practices of officials of the government, such as is described in the complaint in the present case, are to be continued or permitted by those in authority, and punishment is not meted out speedily and severely upon those who rob the people of their political rights, the result is generally a revolution in which the people again repossess themselves of the jewels of personal and political liberty and the right to self-government, through blood and carnage.

The defendant not only convicts himself out of his own mouth of an attempt to defeat the will of the people of his district in their effort to choose their representatives in the legislative branch of the Government, but also violated his oath of office in which he asked God to help him honestly and justly to administer his duties as an inspector of elections without prejudice or favor toward any person, candidate, party, society, or religious sect, which oath must have been taken freely or without evasion or mental reservation whatsoever. (Sec. 516, Act No. 2657; sec. 419, Act No. 2711.) In addition to convicting himself of an attempt to violate the rights of the people, together with the violation of a solemn oath, he also convicts himself of the falsification of a public document, and might be punished for the latter offense in a manner very much more severe than for the crime for which he is being tried. (Arts. 300 and 301 of the Penal Code, as amended by Act No. 2712.)

In consideration of all of the foregoing, we are of the opinion that the maximum penalty of the law should be imposed. Therefore, the sentence of the lower court is hereby revoked, and it is hereby ordered and decreed that the defendant and appellant be sentenced to be imprisoned for a period of one year and to pay a fine of P500 and costs, and, in case of insolvency, to suffer subsidiary imprisonment for the payment of said fine. So ordered.

Arellano, C. J., Araullo, Street, and Fisher, JJ., concur.

[1] Published by authority of resolution of October 4, 1918.

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