

THE PEOPLE OF THE PHILIPPINE ISLANDS, PLAINTIFF AND APPELLEE, VS. DATU TAHIL AND DATU TARSON, DEFENDANTS AND APPELLANTS.

G.R. No. 28166. November 02, 1928

Ponente: AVANCEÑA, C.J.

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AVANCEÑA, C.J.:

The appellants, Datu Tahil and Datu Tarson, were convicted in the Court of First Instance of Sulu of the crime of rebellion, Datu Tahil being sentenced to ten years imprisonment and to pay a fine of \$10,000, and Datu Tarson to five years imprisonment and to pay a fine of \$5,000, with subsidiary imprisonment in case of insolvency in regard to Datu Tarson.

Having encountered certain difficulties in the collection of the land and the personal cedula taxes among the residents of Patikul, due to their refusal to make this payment, the provincial governor of Sulu, Carl Moore, turned the matter over to Lieutenant Angeles of the Constabulary for the purpose of employing such means as he might consider convenient to overcome these difficulties. Datu Tahil, then the third member of the provincial board of Sulu, being amongst those who refused to make this payment, Lieutenant Angeles tried and succeeded in having a conference with him, in which Datu Tahil suggested that he return the following day because he would call a meeting of his people at his house in Liang in order to discuss the matter with them. Lieutenant Angeles went to Datu Tahil's house the day following this meeting and found about 70 persons present. After Lieutenant Angeles has explained to all the importance of the Government's collecting the land tax, Datu Tahil took several of those present into a room for a secret conference, after which he informed Lieutenant Angeles that he, personally, had no objection to paying the tax, but the others asked time to do so. Lieutenant Angeles said that he would inform Governor Moore of it and left.

When Lieutenant Angeles returned to Patikul, Moro Pasingan, who had attended the conference as a secret agent of the Government, informed him that the extension requested for the payment of the land tax was nothing more than a pretext to gain time in order to construct a fort. Indeed, a few days after, the construction of a fort was commenced on a hill at a strategical location. After the construction of the fort Datu Tahil gathered his people therein, including Datu Tarson who was one of those who refused to pay the tax and who attended the conference. Then the propaganda started to extend the movement, and they tried to attract those who were in the Government service. The principal purpose of the movement was to obtain the abolition of the land tax and, besides, other pretensions in connection with the attendance of children at school, the privilege of carrying arms and the removal of certain provincial officials, amongst whom, Governor Moore, with the threat that if their requests were not granted, they would oppose the Government by forcible means. Datu Tahil made them all, including Datu Tarson, take an oath on the Koran to this effect. From then on they took turns in guarding the fort and its surroundings under the orders of Datu Tahil, who always carried a rifle and a revolver. Lieutenant Angeles upon being informed of this state of affairs reported it to Governor Moore, and the latter, in turn, endorsed the matter to the provincial fiscal.

About the middle of January, 1927, the provincial fiscal filed a complaint against Datu Tabil and his followers charging them with sedition, and the proper warrant of arrest was issued on the 15th. Governor Moore, however, did not wish to proceed on this warrant of arrest and tried to persuade Datu Tabil and his followers to desist from their intention, using the influence of other prominent Moros to this end. Governor Moore even tried to have a conference with Datu Tabil for the same purpose, but was unsuccessful because he was informed that they intended to attack him.

On January 30th, when Governor Moore had given up all hopes of obtaining any results from his efforts, he delivered the warrant of arrest to Commander Green of the Constabulary for its compliance. The following day Commander Green with a group of soldiers, stationed themselves about 50 meters in front of the fort where he found a red flag flying and demanded the surrender of Datu Tabil. He did not receive any reply to his intimation, and, in turn, a group of armed Moros appeared at the left flank of the Constabulary soldiers in the act of attacking them, but were repelled. It was again intimated that Datu Tabil surrender, but again no answer was received, and then a larger group of Moros appeared in an aggressive attitude, being likewise repelled. For the purpose of frightening the Moros, the Constabulary soldiers fired the stoke mortar, which caused the defenders of the fort to flee, leaving the Government forces in possession thereof, where they found only the bodies of those who had been killed in this affray.

Some days after this Datu Tabil surrendered to the authorities and, while in jail, had a conference with Governor Moore in which he stated that Commander Malone of the Constabulary was to blame for everything, as he had induced them to rebel against the Government.

The appellants allege in their defense that the construction of the fort and the meetings which took place therein were only for the purpose of discussing) their grievances against the Government in order to present and submit their claims through peaceful means. This allegation, however, is not supported by the evidence. Datu Tabil, himself, admits that he in fact did swear his followers on the Koran, although he says that the very purpose of this was in order that they would not oppose the Government but would present their grievances through peaceful means. But, if this were the purpose of the oath, the necessity of taking it is not understood. The said Datu Tabil admits in an affidavit having committed all of these acts against the law, constructing the fort in order to oppose the Government, because Commander Malone had encouraged him to do so, promising to furnish arms and ammunition, and visiting the fort from time to time while it was in the course of construction. We do not believe that Datu Tabil, as he stated during the trial, signed this affidavit without having been informed of its contents. Furthermore, this supposed inducement of Commander Malone, aside from being no excuse for the commission of the crime, was emphatically denied by Datu Tabil.

At any rate, for the purposes of the present case, suffice it to say that upon its being intimated to Datu Tabil that he surrender with the object of complying with a judicial warrant of arrest against him and his followers, he resisted this order by means of force, thus preventing the officers charged with this duty from performing it. This already constitutes a crime.

In regard to Datu Tarson, it appears that he was one of those who took an oath on the Koran to oppose the Government by force; that he took part in all the activities of the movement, assisting in the construction of the fort; that on the day preceding the incident he was in the fort, and while he left in the afternoon, he returned early the following morning and was found in the fort when the Government forces appeared.

The facts proven, however, constitute the crime of sedition, defined in section 5 of Act No. 292, and not of rebellion according to section 3 of the same law, the acts committed being limited to preventing the Government officials, through force, from complying with their duties in connection with a judicial order, the enforcement of

which was entrusted to them.

In our opinion, the crime committed is that of sedition, and the fine imposed upon Datu Tahlil is therefore reduced to \$5,000 and that imposed upon Datu Tarson to \$2,500, the judgment appealed from being affirmed in all other respects, with the costs against the appellants. So ordered.

Johnson, Street, Malcolm, Villamor, Ostrand, Romualdez, and Villa-Real, JJ., concur.

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