

THE PEOPLE OF THE PHILIPPINE ISLANDS, PLAINTIFF AND APPELLEE, VS. CRISANTO EVANGELISTA AND ABELARDO RAMOS, DEFENDANTS AND APPELLANTS.

G. R. No. 36277. October 26, 1932

Ponente: OSTRAND, J.

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OSTRAND, J.:

In case No. 41830 (No. 36277 in the Supreme Court) the herein accused, Crisanto Evangelista and Abelardo Ramos, were charged in the Court of First Instance of Manila with a violation of section 8 of Act No. 292, as amended. Upon trial the court below found the accused guilty and sentenced each of them to six months' imprisonment and to pay a fine of P400 with subsidiary imprisonment in case of insolvency, and each of the accused to pay one-half of the costs. Thereupon the defendants appealed to this court.

The acts which gave rise to this accusation were as follows: On the first day of May, 1931, a parade was to be held by the communists in the municipality of Caloocati, within two and a half miles of the city limits of Manila, but as the permit for the parade had been revoked, a Constabulary officer appeared with his soldiers at the place to prevent the holding of the parade. The appellant, Crisanto Evangelista, who apparently was the leader of the people therein assembled to take part in the parade, held a conversation with the Constabulary officer about the permit and its revocation, after which Evangelista was allowed by the Constabulary officer to say a few words to the people for the purpose of informing them that the parade could not be held and that they should retire. But instead of telling the people to retire, he raised his fist, which the people approved by shouting "mabuhay", and then said: "Comrades or brethren, the municipal president, Mr. Aquino, has allowed us to hold the parade, but for reason unknown to me, the permit has been revoked. This shows that the big ones are persecuting and oppressing us, who are small, which they have no right to do." Then shouts were heard from the audience saying, "Let us fight them". The accused Abelardo Ramos, who was among the people, shouted "Let us fight them until death". Evangelista proceeded saying, "My heart bleeds", but could not continue because the officer stopped him and placed them both, Crisanto Evangelista and Abelardo Ramos, under arrest. Thereupon the mass began to advance against the Constabulary officer and soldiers, in an attempt to wrest Evangelista from the Constabulary and to continue the parade, but the soldiers made use of a water pump and dispersed them. There were found on the body of Crisanto Evangelista the permit issued by the municipal president and its revocation.

The appellants testified denying having said the words above quoted and attributed to them. They further claimed that the people were peaceful, but the trial court found the facts as above stated, and the appellants' brief does not point out any data or reason why the finding of the trial court should not be upheld.

Under the circumstances of the case, the statements made by the accused on the occasion above related are clearly seditious. It must be noted that the disorder took place on May 1, 1931, that is, several months after the inauguration of the Communist Party and after the communists had already filled the minds of their followers with their revolting ideas in several meetings. That the said utterances were really inciting the people to revolt, is

shown by the fact that the mass, not only shouted a protest against the officers of the law, but did actually advance against them, and the latter had to use force in order to enforce the law. The defense arguing upon the authority of *United States vs. Apurado* (7 Phil., 422), maintains that there is no sedition here, because a mere disorder is not sedition, but the comparison is inadmissible. In the *Apurado* case, the people assembled at the chamber of the municipal council to ask for the removal of the municipal treasurer on account of religious differences. This court did not find any disorder in that case. It was a petition for redress of grievances made in more or less excited language, but the affair on the whole was peaceful and orderly; whereas in the instant case, there was an inducement to fight, an actual though unexpected fight and resistance against the authorities. It was simply the practical expression and repetition of the previous instigations to overthrow the government, made by the communist leaders before.

For these reasons and those given in cases G. R. Nos. 36275[1] and 36276,[2] the judgment appealed, from will be affirmed with the costs against the appellants. So ordered.

Avanceña, C. J., Street, Malcolm, Villamor, Villa-Real, Hull, Vickers, and Imperial, JJ., concur.

[1] *People vs. Evangelista*, page 354, ante.

[2] *People vs. Capadocia*, page 364, ante.

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