

THE PEOPLE OF THE PHILIPPINE ISLANDS, PLAINTIFF AND APPELLEE, VS. JUAN FELEO, DEFENDANT AND APPELLANT.

G.R. No. 39227. October 14, 1933

Ponente: STREET, J.

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STREET, J.:

This appeal has been brought to reverse a judgment of the Court of First Instance of the Province of Bulacan, finding the appellant, Juan Feleo, guilty of the offense of inciting sedition in violation of article 142 of the Revised Penal Code, and sentencing him to undergo imprisonment for four years, nine months and eleven days, prison correccional, with the accessory penalties prescribed by law, imposing upon him a fine of P500, with subsidiary imprisonment in case of insolvency, and requiring him to pay the costs.

It appears that on September 29, 1932, the legislative committee on labor held a public meeting in San Miguel, Bulacan, to hear the complaints and grievances of farmers. Many people were present at said meeting, and after addresses had been delivered by the official speakers, Juan Feleo made a talk in the course of which he used expressions in the Tagalog language substantially to the following effect:

"My brothers: Nobody violates the law but he who makes it; and it is necessary that we should all unite to overthrow that power. A soviet government is necessary here; Russia is the first country where the laborers have had their emancipation from oppression, imperialism and capitalism. It is necessary that all property should be delivered to the government for its administration, and from this we will see the redemption of the Filipino people."

The proof submitted by the prosecution fully sustains the allegation that the sentiments contained in the foregoing paragraph were expressed by the speaker. A demurrer was interposed to the information on the ground that no offense is charged, but said demurrer was overruled. The action thus taken was correct. The words used by the accused are clearly directed to the end of inciting sedition, contrary to the provisions of article 142 of the Revised Penal Code.

The crime of sedition, as now punishable in these Islands, is defined in article 139 of said Code. According to that article, one of the various forms of sedition consists in preventing the Insular Government or any provincial or municipal government, or any public officer thereof, from freely exercising its or his functions. The language imputed to the appellant incites the auditors to the overthrowing of the lawmaking power; and as the greater includes the less, this language necessarily involves preventing the Government and public officials from freely exercising their functions.

It is claimed for the appellant that the language imputed to him was within the privilege secured by constitutional guaranties, but we have more than once held that this contention, in connection with speeches of the character of that now before us, is untenable. (People vs. Feleo, 57 Phil., 451; People vs. Feleo, G. R. Nos, 36427 and 36428, 57 Phil., 990; People vs. Nabong, 57 Phil., 455; People vs. Evangelista, 57 Phil., 354.)

It will be noted that on January 1, 1932, the Revised Penal Code came into effect, abrogating section 8 of Act No.

292, as amended, relating to the offense of sedition. The provisions of this Code are intended as a codification of the provisions of the earlier law, and there naturally result certain differences in the wording of the laws. But there is nothing in the changes introduced in the Code which affects the law favorably to the appellant in this case.

The penalty imposed by the trial court is correct, and the judgment appealed from will be affirmed. So ordered, with costs against the appellant.

Avanceña, C. J., Malcolm, Villa-Real, Abad Santos, Hull, Vickers, Imperial, and Butte, JJ., concur.

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