

THE PEOPLE OF THE PHILIPPINE ISLANDS, PLAINTIFF AND APPELLEE, VS. SAKAM ET AL., DEFENDANTS. SAKAM AND IMAM TANTALI, APPELLANTS.

G. R. No. 41566. December 07, 1934

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-41566/>

PER CURIAM:

Sakam and Imam Tantali and seventeen other Moras, having been charged with multiple murder, were convicted of said crime and sentenced by the Court of First Instance of Sulu, where this case originated, to death, and to indemnify jointly and severally the heirs of each of their fourteen victims in the sum of P1,000.

The record of this case was forwarded to this court not on appeal but in consulta by virtue of the provisions of section 50 of General Orders, No. 58 which direct such proceedings in all cases wherein the death penalty is imposed.

The attorney de officio for said two accused Sakam and Imam Tantali, as the others upon whom the penalty of reclusion perpetua was imposed did not appeal from the sentence, claims in his laconic brief that the lower court committed two alleged errors in imposing the penalty in question upon them, not treating them in the same manner as it treated their coaccused upon whom only the penalty of reclusion perpetua was imposed, and not considering the mitigating circumstance of lack of instruction and education in their favor.

We have reviewed the record and the evidence very carefully and are convinced that the facts occurred as follows:

Moro Abdullah, having been charged with the crime of murder in criminal case No. 3955 of the Court of First Instance of Sulu by reason of the violent death of another Moro named Janapia or Hanapia, was convicted of said crime after the corresponding trial and sentenced to reclusion perpetua and to indemnify the heirs of said deceased in the sum of P1,000. (Exhibit B.)

Abdullah, after having succeeded in obtaining his provisional release prior to the promulgation of his sentence due to the bond filed by his kin and friends, refused to surrender to the constituted authorities and was hiding from them until, upon advice of Panglima Agga, municipal president of the district of Panamao, and of the accused Moro Sakam and others, whose good offices were sought by said Panglima Agga and by Captain Leon Angeles of the Constabulary, he finally decided to surrender. After his sentence had been read to him, he was sent to San Ramon Penal Colony to serve it.

Sakam, Abdullah's uncle, resented the imposition of the sentence of prison upon his nephew and the sending of the latter to said penal colony. His followers and coaccused, particularly Imam Ibbah, Hassan, Imam Tantali and Mahamud, supported him and all agreed to organize themselves in order to avenge what they believed to be a wrong committed against one of their kin.

At the meeting held in Moro Uling's house after receipt of the notice regarding Abdullah's fate, which meeting took place some days prior to October 9, 1932, Sakam, Imam Tantali, Imam Ibbah, the other accused and their relatives and followers agree to kill all those who they believed were responsible for Abdullah's prosecution and

incarceration, including the members of the constabulary detachment stationed in Sulu among those who were to be the object of their vengeance. One meeting was not sufficient to reaffirm their intention. They later held three others for the same purpose. At one of the last meetings they said their prayers in order to take courage and Sakam and Imam Ibbah expressly swore before their Koran to shed their blood for Abdullah. At each of said meetings, Imam Tantali, Mahamud, Hassan and Habibula, in addition to said two Moros, led their factions or men.

On the afternoon of October 8, 1932, while Lieutenant Vicente T. Alagar of the Constabulary was in the house of President Panglima Agga, he stated, perhaps imprudently, in the presence of Hadji Abdurajak and Mahamud, followers of said two accused Sakam and Imam Tantali and of the other Moro chief or leader Moro Imam Ibbah, that he would start the following day for the barrio of Tayungan which adjoined those of Puhagan and Bud Kan Asali of the municipal district of Panamao, Sulu, for the purpose of searching for Moros Naduha and Masihul against whom, according to him, charges for robbery were pending. Hadji Aodurajak and Mahamud returned to their barrio with this information for the purpose of transmitting it to Sakam, Imam Ibbah and to all their men. It was through this means that the two accused sentenced to death, the other leaders and the other accused knew the movement of the constabulary soldiers under the command of Lieutenant Alagar. In fact, on the morning of the following day, October 9, 1932, said lieutenant with twenty-three well armed soldiers under his command left his station at Seit Lake, Sulu, for the barrio of Tayungan, not only for the purpose of searching for Naduha and Masihul but also of patrolling that vicinity. Upon arriving at the foot of Bud Kan Asali mountain he and his soldiers stopped for a short rest. As soon as Sakam, Imam Tantali, Imam Ibbah and their followers learned of the presence of the constabulary soldiers in their barrio, they gathered their men together and went to meet the latter. The soldiers soon became aware of the hostile and defiant attitude of the Moros who were about seventy in number, for they carried sabres, creeses and spears. Lieutenant Alagar who undoubtedly wished to avoid an encounter which he had not gone to look for, addressing said Moros, said loudly: "Here is your friend, the lieutenant." Sakam, Imam Ibbah, Imam Tantali, Illing and several of the accused were among the Moros who approached him. It was Imam Ibbah who went nearest Lieutenant Alagar and, feigning that he had no intention to harm said officer or his men, he stretch out his hand to Lieutenant Alagar and the two shook hands. Lieutenant Alagar took advantage of the occasion to tell Imam Ibbah and his men to leave the place, to which Imam Ibbah replied that they would do so if he (Lieutenant Alagar) ordered his soldiers to put down their arms. This took place after the Moro leaders, one of whom was the accused Sakam, asked the soldiers if they wanted to fight, to which Lieutenant Alagar answered in the negative. In order to show the Moros that he was in fact not hostile to them, he ordered his soldiers to put down their arms giving them the command "Order arms." While the constabulary soldiers were thus unprepared, Sakam and Imam Tantali and all their men threw themselves upon the former, Moro Illing casting the first spear wounding Lieutenant Alagar. During that sudden attack, all the more treacherous to the constabulary soldiers because it was unexpected, in addition to Lieutenant Alagar who was covered with spear and bolo wounds and whose head was severed from his body, both head and body having been found at different places about eight arm lengths from each other, sergeants Felipe Dasmariias and Felix Habalo, corporals Estanislao Ticyican, Lope Cerena, and Domingo Cardinez, and privates Jose Lawagan, Elias Eugerio, Pedro Garcia, Primo Oraye, Aurelio Hijastro, Jose Lagarde, Marcelino Aguirre and Julio Doctolero lost their lives. The bodies of the latter soldiers received multiple wounds on different parts thereof. Captain Leon Angeles of the Constabulary, upon being informed of the incident, immediately went to the scene of the encounter with various constabulary soldiers under his command and in the battle between him and his soldiers, on one side, and the Moros who had attacked and killed Lieutenant Alagar and his men, on the other, Moros Mahamud, Julaid, Rahis, Haman, Taraman, Mohamad Ali, Maduh, Ismula, Illing and about 11 women perished.

Thenceforth the accused Sakam, Imam Tantali and their men, who had dispersed after their encounter with Captain Angeles and his soldiers, were not left in peace and the constabulary soldiers and other peace officers

kept mobilizing themselves to capture them and exact from them a reckoning for their act. Pressed continuously on all sides and seeing that all their efforts to hide from the constituted authorities and offer resistance to the agents thereof were in vain, they decided to surrender one after another with the arms which they took from the bodies of the constabulary soldiers who died in the encounter of October 9, 1932. Sakam and Imam Tantali surrendered to Captain Leon Angeles on May 13, 1933, and on said date of their surrender charges for sedition were filed against them and the other accused (Exhibit C). Later, that is, on June 29, 1933, another information was filed against said accused for multiple murder with which they now stand charged in this case. Said information, as amended later with the authority of the lower court, reads as follows:

"That on or about the 9th day of October, 1932, in the sitio of Tayungan, municipal district of Panamao, Province of Sulu, Philippine Islands, the herein defendants together with Mahamud, Julaid, Rajis, Haman, Taraman, Mohamad AH, Maduh, and Ismula who had already been killed in an encounter with the constabulary soldiers on the 6th day of September, 1933, and one Habibula who is still at large and others whose participation has not as yet been properly ascertained, conspiring and helping one another, forming a band of about 100 men with Imam Ibbah, Sakam, Hassan and Mahamud as leaders and all armed with deadly spears, creeses and barongs, with evident premeditation, craft, treachery, abuse of confidence and vindictiveness, did then and there criminally; illegally, and feloniously undertake a sudden, unexpected and combined attack upon a detachment of constabulary soldiers led by Lieutenant Vicente Alagar of the Seit Lake station, while said soldiers were patrolling and engaged in the performance of their official duties, by swooping down and inflicting upon them numerous wounds and unnecessarily mutilating their bodies with their deadly sharp bladed and pointed weapons, and as a result of which said Lieutenant Vicente Alagar and his soldiers Sgt. Felipe Dasmariñas, Sgt. Felix Habalo, Cpl. Estanislao Ticyican, Cpl. Lope Cerena, Lance Cpl. Domingo Cardinez, Pvts. Jose Lawagan, Elias Eugenio, Pedro Garcia, Primo Oraye, Aurelio Hijastro, Jose Lagarde, Marcelino Aguirre and Julio Doctolero, died instantly, and 14 rifles, 6 shot-guns and 1,000 rounds of ammunitions were wrenched from their victims and carried away by the accused."

After due trial, said court rendered the judgment above stated sentencing Sakam and Imam Tantali to death and their coaccused to reclusion perpetua, with the indemnities, accessories of the law and other pronouncements already stated.

The proven facts, as above stated, undoubtedly constitute the crime of multiple murder charged in the information. This is true for the reason that the massacre of the fourteen members of the constabulary was preconceived, the accused having planned, discussed and maturely deliberated it several times on different dates and in different places, it being evident, therefore, that the consummation of said act was attended by the qualifying circumstance of evident premeditation (article 248 of the Revised Penal Code). The two aggravating circumstances of craft and treachery should be taken into consideration because the accused, in order to better execute their plan of killing all the constabulary soldiers composing the detachment under the command of Lieutenant Alagar, induced the latter to believe that if he ordered his soldiers to put down their arms, they would be friends with him and his soldiers, and said officer, falling into the snare, very imprudently gave the command asked for (craft); and because while said soldiers were thus unprepared to defend themselves and to repel the aggression which might come from the accused and their followers, the latter unexpectedly attacked the former giving them no time to use their arms (treachery), with the result that fourteen of the twenty-three soldiers composing said detachment lost their lives.

The attorney for said accused Sakam and Imam Tantali contends that they should be given the benefit of the mitigating circumstance of lack of instruction and education. We find nothing in the record to show, even remotely, that said two accused truly lack instruction. On the contrary, we infer from the evidence that Sakam does not lack instruction because he knows the Koran as it was before this book that he swore vengeance on those responsible for Abdullah's prosecution and incarceration and it was he who, with Imam Ibbah and other Moro

leaders, initiated the movement for vengeance, swearing to shed his blood for his nephew after he had suitably organized his men. Neither should the accused Imam Tantali be given the benefit of said mitigating circumstance because he did not prove that he is illiterate or that he lacks instruction. Whoever pleads a mitigating circumstance favorable to his defense should prove it by means of competent evidence, and Imam Tantali did not do so even by his own testimony.

It has been suggested in the discussion of this case that perhaps the mitigating circumstance of having surrendered to the authorities might be taken into consideration in favor of said two accused. The evidence, however, does not show that their surrender was voluntary. What happened was that they surrendered because, as was stated, they considered it impossible to live in hostility and resistance to the constituted authorities and their agents in view of the fact that said authorities had neither given them rest nor left them in peace for a moment. In order that the mitigating circumstance of voluntary surrender may be taken into consideration in favor of an accused, it is necessary that the same be spontaneous in such manner that it shows the intent of said accused to surrender unconditionally to the authorities, either because he acknowledges his guilt or because he wishes to save them the trouble and expense necessarily incurred in his search and capture.

So therefore, considering the proven facts from the" point of view that the commission of the crime of multiple murder was attended by said two aggravating circumstances without any mitigating circumstance to offset them, the penalty which should be imposed upon said two accused would inevitably appear to be death. All the members of this court are of this opinion as regards the accused Sakam, but the same unanimity was lacking as regards the accused Imam Tantali, for the reason that Sakam was the spirit behind the movement in union with Imam Ibbah and three others who are already dead, and Imam Tantali was but a follower or henchman of the five, in which case the penalty for him should not be death but only reclusion perpetua because his responsibility is only that of the other accused upon whom the lower court imposed said lower penalty. In view whereof, only said lower penalty should be imposed upon him in conformity with the provisions of section 138 of the Revised Administrative Code and of article 47 of the Revised Penal Code.

Wherefore, the sentence of the lower court is affirmed in so far as it imposes the death penalty on the accused Sakam; and as to the accused Imam Tantali, due to the court's lack of unanimity, he is sentenced to reclusion perpetua. Both accused are likewise sentenced to the accessory penalties provided by law and jointly and severally with the seventeen Moros with whom they were charged, to indemnify the heirs of each of their fourteen victims, Lieutenant Vicente Alagar, sergeants Felipe Dasmarin'as and Felix Habalo, corporals Estanislao Ticyiean, Lope Cerena and Domingo Cardinez, and privates Jose Lawagan, Elias Eugenio, Pedro Garcia, Primo Oraye, Aurelio Hijastro, Jose Lagarde, Marcelino Aguirre and Julio Doctolero, in the sum of P1,000; and it is ordered that in the execution of the death penalty imposed upon the accused Sakam, the provisions of articles 81, 82 and 84 of the Revised Penal Code be strictly complied with, the lower court fixing first the date of said execution, with costs de officia. So ordered.

Avancena, C. J., Street, Malcolm, Villa-Real, Abaci Santos, Hull, Vickers, Imperial, Butte, Goddard, and Diaz, JJ. concur

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.