

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. QUINTIN TABAL ET AL., DEFENDANTS AND APPELLANTS.

G.R. No. 4174. March 09, 1908

Ponente: ARELLANO, C.J.

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ARELLANO, C.J.:

In this case the death penalty was imposed on the accused Luis Narvasa, Hilarion Ogat, Paulino Gacosta, and Bernabe Abapo.

As to these four defendants the case is before this court en consulta.

The following defendants appealed: Mateo Buljot, Regino Matinguha, Eduardo Naverte, Nicasio Limosnero, Julio Gacuba, Alvaro Labitad, Manuel Zafra, Ambrosio Zafra, Esteban Cabasi, Domingo Ibo, Mamerto Labitad, Sinforoso Tecson, Mauro Capin, Florentino Cogay, Agustin Cocido, Jorge Alera, Telesforo Claros, Maxima Cogay, Sinforosa Lumpag, Pedro Arcete, and Ramon Ogat.

The prosecution, in its brief filed before this court, requests :

- As to Luis Narvasa, that the death penalty imposed upon him be affirmed.
- That Hilarion Ogat be sentenced to imprisonment for life.
- That Paulino Gacosta and Bernabe Abapo be sentenced to thirty years' imprisonment.
- That Ramon Ogat, who was sentenced to twenty years imprisonment, be acquitted.
- That as regards the rest of the appellants, who were to be imprisoned for twenty years, the judgment be affirmed.

The death penalty imposed upon Luis Narvasa is in conformity with the law and with the rule laid down by this court in the cases of United States vs. Aguasa and United States vs. Logario (4 Phil. Rep., 274 and 411). This penalty is proper, inasmuch as the defendant was the leading chieftain of the band of Quintin Tabal.

Such is not the case, however, with the other three defendants who are sentenced to suffer the same penalty, notwithstanding the fact that Hilarion Ogat, although not participating in the killing of the person murdered or cut to pieces by Narvasa, was one of those who witnessed the cruel and inhuman act.

With the exception of Ramon Ogat, against whom no charges appear in the record, the charges against the other defendants, who are sentenced to twenty years' imprisonment, are fully justified.

We, therefore, reverse the judgment now before us for review as to the death penalty imposed on Hilarion Ogat, Paulino Gacosta, and Bernabe Abapo; we sentence Ogat to imprisonment for life and Gacosta and Abapo each to thirty years' imprisonment. Ramon Ogat is acquitted, with the costs de oficio in both instances; and we hereby affirm the death penalty imposed on Luis Narvasa and the imprisonment for twenty years imposed on Mateo Buljot and the other defendants mentioned in the judgment, with the exception of Ramon Ogat, and each of the

said accused, as found guilty and condemned, must bear their respective shares of the costs of this instance. So ordered.

Torres, Mapa, Johnson, Carson, Willard, and Tracey, JJ., concur.

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