

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. ESTANISLAO ANABAN ET AL., DEFENDANTS AND APPELLANTS.*G.R. No. 4380. March 31, 1909*

Ponente: ARELLANO, C.J.

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The facts in this case, according to the information and the testimony of all the witnesses, are:

That on the night of Thursday October 4, 1906, the six defendants, accompanied by other persons, invaded the dwelling house of one Guiled, located in the sitio of Selpang, Baguio, said Guiled being a councilor for the barrio of Taloy of the municipality of Baguio; that the defendants demanded from Guiled the payment of a fine of P20 because they found a horse in the vicinity of his house, and the payment of said fine being refused, Maniguay and Bombon, two of the defendants, bound him, while the other defends ants, who had remained on the ground floor of the house, in obedience to the orders given by the former, seized and carried away three pigs. Cimbay, the wife of Guiled, on seeing her husband bound and fearing that they would all be killed, jumped out of the window and proceeded to the house of Lateng, ex-councilor of the same barrio. Ogues, who lived nearest to the house of Guiled, having heard the squealing of the pigs, had left his own house, and had seen the events as they occurred at Guiled's house, also went to the house of ex-councilor Lateng and confirmed the statement of Cimbay. These three, Lateng, Cimbay and Ogues, the same night or at daybreak of the following morning, proceeded to the house of Guiled. On arrival Lateng again learned of what had passed, and then, that same morning Friday, returned to his house.

While on the one hand the prosecution has stated the facts in the terms set forth above, the defendants, on the other, have, with more or less uniformity, related the affair in the terms used in his testimony by Estanislao Anaban. This defendant says that, from the month of January of that year, he was the president of the settlement (rancheria) of Pugo.

"We went there in search of a horse that was lost. On Thursday morning we commenced our search and followed the trail of the animal which lead to that place. At noon we arrived at the house of Guiled and thought it better that we first see the councilor of the barrio. This we did; we went to see Guiled and I asked him to help us in the search. He detailed Palos, a friend of mine, to help us, and we continued to follow the tracks of the horse. In the company of Palos, we endeavored to find the horse and followed its tracks, and, after a while, we found the animal tied near the house of Guiled; we then untied it, this being done by Palos, who also took the horse away; from there we led the horse to the house of Guiled and requested him to furnish us with a certificate showing that the animal was found at his place. He replied: 'How can I furnish you with the certificate? No one here knows how to write. As it was growing late, I begged Guiled to allow us to remain in his house, to which he assented, whereupon some of us started to prepare our meal, while one of our companions repaired to the east side of Guiled's house to obtain some bark which they needed; after a while our said companion returned and told us that there were three pigs in a pen. We went to the place where the pigs were and I recognized one of them as being my own and the other two as the property of Capitan Bayasang and Sabong, respectively. Having made this discovery I went to Guiled and asked him from whom

he obtained the animals and he replied that he had acquired them from one Martin. After hearing his reply, I notified him that one of the pigs belonged to me and that the others were the property of Capitan Bayasang and Sabong, respectively, and asked him to allow me to take the animals to my house. To this he assented, and said, moreover, that he would come along with us to the town in order to see Martin and recover from him the money he had paid for the pigs, and besides that he had also to collect P9 that Martin owed him. After this conversation, it being almost dark, we prepared our supper there, ate, and spent the night in the house of Guiled. The following day, Friday, we took breakfast there and also our noon meal in said house, and then started for Pugo shortly after midday, and in the company of Osteng and Guiled we went to the office of the president."

The witness further testified: That the twelve individuals who came from Pugo, besides Osteng, Palos, and Guiled, with their respective wives, one Capitan Saliuag whom they found already in the house and the children thereof, slept in the house of Guiled; that they arrived at Pugo on Friday afternoon; that they met Martin in the office of the president, where he had gone; that he (the witness) overheard the witness saying to Martin: "Inasmuch as you are not the owner of the pigs you sold me, you must return the money to me," and Martin who replied: "All right, but I have no money now, I will pay you as soon as I get it;" that Guiled had told them that he had paid 6 pesos for the three hogs and that Guiled had passed the night of Friday at Pugo, in the house of Capitan Guideng, taking his supper at the house of Capitan Licao and his breakfast on Saturday morning at the house of the witness, after which he (Guiled) returned to his house.

The judgment reads, and it is true, that:

"There is no dispute or controversy as regards the fact that the defendants had been in the house of Guiled, nor as to the taking of the three pigs by them; and, if these animals were taken away under the circumstances alleged by the defendants, they have committed no crime. The testimony of the principal witnesses is absolutely contradictory and can not be reconciled; either the witnesses for the prosecution or those for the defense have testified falsely."

Guiled and Cimbay, his wife, Palos, and Osteng are the witnesses for the prosecution, as to the affair which, they say, took place in the house of Guiled.

Anaban, the president of the settlement or pueblo of Pugo, and the other eleven persons who composed the party which went out in search of two horses they had lost, have consistently given a long detailed account of their two days' trip, of their stay in the house of Guiled as guests of the latter, and to whom belonged the rice they cooked on that night, and who even gave them the meal on Friday which was brought by four members of his settlement who returned to Pugo with the other twelve on Friday afternoon. Guiled accompanied them and remained at Pugo during that night until Saturday morning, when he left. This was testified to with rare unanimity by sixteen witnesses, with the exception of slight discrepancies as regards the stay of Guiled at Pugo from Friday afternoon to Saturday morning.

There is one very important point in the case. Lateng sent Licao, an Igorot, to Baguicr to give information as to what had happened in the house of Guiled. Licao testified that he was sent by Lateng, Cimbay, and Ogues. Licao left Taloy on Friday morning and reached Baguio in the afternoon. The Attorney-General says in his brief:

"On arriving at Baguio in the afternoon, Licao proceeded at once to the tribunal to give the above said information. Naturally, Licao knew nothing more of what had occurred in the house of Guiled than what he had been told by Gimbay and Ogues, each one of whom ran out for help as soon as they saw Guiled tied up, so that, when Licao arrived at Baguio, he could do nothing but notify, as he did, the municipal secretary, Santiago Sales, that something unusual was taking place in the house of Guiled, whereupon Sales wrote and handed to Licao the following letter:

" 'Baguio, October 6, 1906.-Dear Belet, councilor of Taloy, Benguet.-With reference to the information given me by the person you have sent over here, regarding the presence of certain strangers in that locality, you may forward them to this office, whatever purpose they have or things they are looking for, especially if they come from other provinces and are unknown to you-(Sgd.) Santiago Sales, municipal secretary.' (Exhibit A.)

"Although this letter-the Attorney-General continues-is dated October 6, it must have been written on Friday the 5th of October, on which date Licao says he arrived at Baguio, received the letter and went back to Taloy, though he only got as far as Atab. Santiago Sales himself is very certain that he sent the letter on the day previous to the arrival of Guiled at Baguio, and we find no inconsistency in the testimony as regards the fact that Guiled reached Baguio on the afternoon of Saturday the 6th of October." (Brief, p. 8.)

This letter written by Sales, which must have been in the possession of Guiled or someone of the barrio of Taloy, was found at Pugo and produced by the defense during the trial. How this happened has not been explained at the trial.

Licao testified that he left Baguio on Friday night, spent the night at Atab, and then proceeded to Pugo, in compliance with the instructions he received from Sales. To judge by the inconsistencies found in his answers, while testifying during the taking of the evidence in rebuttal, this witness must have been greatly harassed. It appears that his testimony was controlled by the dominant idea that he did not go farther than Atab, in which place, it first appears he slept twice, but later he says he remained there only once, on Friday night; it must have been another controlling idea in his testimony that he did not reach Pugo until Sunday, and that he slept in his house on Saturday night, not taking into account the serious happening at the house of his councilor and not taking any pains in delivering at once the letter to Guiled. The following questions were propounded by the court:

"Q. Did you meet any of your acquaintances while traveling from Atab to your home?-A. Yes, I met Guiled.

"Q. Was there anybody with him ?-A. He was alone, I wanted to give him the letter, but he told me to take it to Pugo."

The defense put the following questions:

"Q. What orders did you receive from the secretary when he gave you the letter?-A. He said nothing.

"Q. Did the municipal secretary tell you to hand the letter to Guiled?-A. Yes.

"Q. Did you give the letter to Guiled?-A. No, because he told me that he could not read.

"Q. You delivered the letter to Guiled, did you not?-A. Yes, I did, but on seeing it, he told me to take it to Pugo because he could not read.

"Q. Where did you meet Guiled?-A. Between Baguio and Taloy.

"Q. When you went to Pugo, did you see Guiled there?-A. No.

"Q. Where was he when you were at Pugo?-A. He must have been here (in Baguio) on Saturday the 6th because I met him on the road, on his way to this place.

"Q. Is it not true that you went to Pugo because they told you in Taloy that Guiled was there?-A. No; I went there on account of the letter.

"Q. When you met Guiled, did you tell him that the letter was for him?-A. No.

"Q. Did not the municipal secretary of Baguio tell you to deliver the letter to Guiled?-A. Yes, he told me to hand it to Guiled, and for this reason I handed it to him when I met him, but he told me to take it to Pugo because he could not read.

"Q. Did you tell Guiled that the municipal secretary had' instructed you to deliver the letter to him?-A. Yes, I told him, but he could not read and I took the letter to Pugo." (Pp. 466 to 468.)

The letter and the testimony of this witness throw much light on the two versions which appear from the records in regard to the facts which really happened in Selpang and Pugo, on Thursday and Friday, the 4th and the 5th of October, 1906.

If the defendants are really guilty, if they have committed the crime of robbery en cuadrilla, with the aggravating circumstance of nocturnity being present, they should be sentenced to the penalty of presidio mayor in its maximum degree, and the chief of the band, Anaban, to the penalty next higher. Anaban, however, was sentenced to two years' imprisonment, and the others to six months and one day.

The letter shows that the defendants went to Selpang for the purpose of looking for something, not to steal, and this is what was communicated to the secretary. It is unnatural and improbable that Guiled, after having been abused by the people from Pugo, should have sent to them the very letter which is the reply to the complaint he made against them. Guiled must have been really present at Pugo on Saturday; he must have received Sales' letter there, and from thence he must have left for Baguio, perhaps for fear of being complained of. On arrival at Baguio, and if he had made any complaint of that abuse and robbery en cuadrilla with, arms, the municipality would have necessarily referred him to the court of the justice of the peace for the preliminary investigation. Said proceeding could not have lasted until the 18th of October.

The justice of the peace stated that he remembered that the defendants testified that they had gone to Selpang to look for some horses, and the testimony of Anaban during the preliminary investigation having been produced by the defense, it appears in every way consistent with the testimony which, in regard to their trip to Selpang, he and his companions have so uniformly given. The innocence of the defendants is evident.

We, therefore, reverse the judgment appealed from in all its parts and acquit the defendants with the costs of both instances de oficio.

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

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