

THE UNITED STATES, PLAINTIFF, VS. MELECIO VARGAS, DEFENDANT.

G.R. No. 4999. May 13, 1909

Ponente: CARSON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-4999/>

CARSON, J.:

The defendant in this case having been sentenced to death upon conviction of the crime of bandolerismo (brigandage), the record of the proceedings in the trial court is submitted to this court en consulta (for review), in conformity with the provisions of law in such case.

It was conclusively proven at the trial that the defendant was a member of a band of brigands which infested the Provinces of Tayabas and Ambos Camarines from the latter part of the year 1902 until the month of March, 1908, when he was arrested; and that during that period the band committed a number of heinous offenses, among others the kidnaping and murder of one Francisco Ambas and his son Martin, and the sacking of the town of Alabat, in the course of which the brigands murdered in cold blood one Gerardo Afable, the municipal justice of the peace.

The defendant testifying in his own behalf admitted his affiliation with the band, so that, there can be no doubt of his guilt of the crime of which he was convicted; and the only question for consideration is whether the sentence of death imposed by the trial court is the just and appropriate penalty for that crime.

The penalty prescribed by law is from twenty years' imprisonment to death, but this court has uniformly declined to affirm the imposition of capital punishment upon persons convicted of the crime of brigandage, unless the record disclosed, beyond a reasonable doubt, either that the convict, while a member of a band of brigands, had taken an individual part in the commission of some heinous offense, or that he had been the chief or a subchief of a band at a time when the brigands under his command committed such an offense.

The defendant, testifying in his own behalf, swore that he had had no direct participation in the commission of the above-mentioned murders, and that he was at no time in command of the band of which he was a member, being at all times subject to the orders of its chief; but the evidence of record leaves no room for doubt that, with his own hand and in cold blood, he slew the justice of the peace of Alabat, and that on that occasion and also when Ambas and his son were kidnaped he was either a chief or subchief of the band, actively in command of the brigands who participated in the commission of these crimes.

Four witnesses testified as to the assault on the town of Alabat, and the circumstances under which the justice of the peace of that town was murdered. Two of these, the wife and niece of the murdered man, saw him done to death; and the other two, on the night of the murder, heard the defendant boasting to his companions that he, personally, together with his men, had committed the crime.

Almacha Tajabo testified that about 6 o'clock of the evening during which the town of Alabat was sacked, the defendant and two other strange men presented themselves in the room of her house where she was sitting with

her husband; that the defendant ordered his companions to bind her husband; that the three then assaulted him with bolos, inflicting fatal wounds in his head and body, and threw the corpse in a large box outside the house; that afterwards they ransacked and robbed the house, threatening the inmates with death if they made a move.

Martina Azuela, a niece of the murdered man, corroborated the testimony of her aunt in all its essential details, and both these witnesses identified the accused as the leader of the party which entered their house on that occasion, with such certainty, and so clearly and positively as to leave no room for doubt in the mind of the trial court, or in ours, as to the truth and accuracy of their statements.

Vicente Francia testified that he was presidente of the town of Alabat at the time when it was sacked; that on that occasion he was seized, bound, and carried into the street by one of the parties, into which the brigands separated after they entered the town; that about three hours afterwards the defendant Vargas came up to the place where the witness was held a prisoner and ordered that he be brought to the presidencia or municipal building; that when they arrived there the defendant said to him, among other things: "We have killed your justice of the peace, because he was a man of bad character," adding, as he showed the witness his bolo, "You can see the blood still dropping."

Dolores Nava de Angeles testified that at the time of the sack of Alabat her husband was presidente-elect of the town; that he escaped from the house before the robbers arrived; that when they entered they ordered her outside with instructions to say her prayers; that on her return to the house, the defendant, Melecio Vargas, told her that he was comandante of the band, and among other things said: "You should pray for the justice of the peace because we have killed him."

Three witnesses described in detail the kidnaping on the 12th day of February, 1904, of Francisco Ambas and his son by a party of ten armed brigands, acting under the joint orders of the defendant (who was addressed by his followers with the title comandante) and another brigand called Cabayo.

Aleja Amado, the widow of Francisco Ambas, and Graciana Leyman, the widow of his son Martin, described in detail how this party of brigands seized their husbands in the house of one Doroteo Maravit, brought them bound to their own house, which was sacked and robbed, and later sailed away in a boat with their booty and their prisoners who were never seen again alive by the witnesses. These witnesses also testified that sometime afterwards they were called to Daet in North Camarines to identify two skulls which the justice of the peace of that town exhibited to them as a part of the remains of two unknown persons who were believed to have come to their death by violence; that one of these skulls bore a marked indentation of such size, shape, and location, that the witnesses were satisfied that it was the skull of Francisco Ambas whose head was similarly marked, and that the peculiar filing of the teeth in the other skull proved it to be the skull of Martin Ambas.

Doroteo Maravit, from whose house these victims of the band were kidnaped, also described the details of the commission of that crime, adding that he himself had been compelled to aid the robbers in carrying the property stolen from the house of Francisco Ambas and his son to the boat in which the robbers made their escape. This witness, who knew the defendant by sight prior to the kidnaping, definitely and positively identified him as one of the band of about ten armed brigands who committed the crime.

Two other witnesses for the prosecution, Juan Tolinto and Modesto Pamiliran, who themselves had been kidnaped by the brigands and held prisoners for some weeks, testified that in the brigand camp the defendant was always addressed and spoken of by his companions as the comandante, and that he it was who gave orders there.

In the light of the foregoing testimony no credence can be given to the statements of the accused, who swore that he was not present at the time when Francisco Ambas and his son are said to have been kidnaped, and that while it

is true that he was one of the band which sacked the town of Alabat, he was not present when the justice of the peace was killed, and was not in command on that occasion, being no more than a mere soldier under the orders of his chief who was called Cabayo.

In our opinion the evidence of record proves beyond a reasonable doubt that the defendant directly participated in the assassination of the justice of the peace of Alabat and in the kidnaping of Francisco Ambas and his son; and that, if he was not the supreme chief of the band of which he was a member, he was one of the subchiefs in active command of a portion of the band at a time when the parties under his command were engaged in the commission of heinous offenses. We find no errors in the proceedings prejudicial to the rights of the accused, and the sentence of death imposed by the trial court should be, and is hereby, affirmed with the costs of these proceedings against the defendant,

Arellano, C. J., Torres, Mapa, and Johnson, 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.