

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. SANTIAGO ALUMISIN ET AL., DEFENDANTS AND APPELLANTS.

G.R. No. 5222. March 07, 1910

Ponente: JOHNSON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-5222/>

JOHNSON, J.:

These defendants were charged with the crime of robbery by a gang, committed as follows:

"That the said accused, on the night of the 23d of January, 1908, in the sitio of Tubor, pueblo of Bayambang, Province of Pangasinan, being members of a band consisting of several individuals, armed with revolvers, a gun, talibones, and bolos, assaulted the camarín of Alejo de Guzman, situated in the said sitio of Tubor and, after having tied and maltreated the persons who were in the said camarín, causing injuries to Juan Punsalan, Toribia de Guzman, Mariano Evangelista, Alberto Mijares, Mariano Gonzales, Tomas Birones, and Marcos Punsalan, and also wounding Maria Bautista upon her right leg by a shot from a firearm, which wound healed in fifty days, during which time the said Maria Bautista was unable to perform her habitual duties, they seized, with intent to profit thereby, the sum of P400 and one camballa valued at P120, all belonging to Alejo de Guzman, and a further sum of P20, a pair of earrings set with pearls, some clothes, and one sheet, amounting in all to P15.50, all belonging to Toribia de Guzman; which facts constitute the said crime of robbery en cuadrilla with lesiones graves, defined and punished by articles 502 and 504, in relation with article 503, No. 4, of the Penal Code, and committed within the jurisdiction of this Court of First Instance, all contrary to law."

Each of the defendants, upon arraignment, plead "not guilty," Cornelio de la Cruz asked for a separate trial, which was granted him. After the trial of the cause against Cornelio de la Cruz, the court found that the evidence was insufficient to convict him of the crime charged, and therefore dismissed the complaint and discharged him from the custody of the law.

After the trial of the other defendants the court found that the evidence was insufficient to support the charges made in the complaint against the defendants Esteban Cajulao, Eduvigis Corpus, Sergio Alcantara, Pio Barroga, and Pedro Atencio, and therefore dismissed the complaint as to them and discharged them from the custody of the law.

After hearing the evidence, the lower court found the defendants Santiago Alumisin, Esteban G. Corpus, and Pastor Duenas each guilty of the crime charged in the said complaint, and sentenced each to be imprisoned for a period of fourteen years of cadena temporal, to suffer the accessory penalties provided for in article 56 of the Penal Code; each to pay one-ninth of the costs and to restore to Alejo de Guzman and Toribia de Guzman the moneys and goods robbed from them respectively, and in default thereof, that they should jointly and severally pay to the said Alejo de Guzman the sum of P520 and to Toribia de Guzman the sum of P35.50 and to Maria Bautista the sum of P17.

From this sentence of the lower court the defendants each appealed and made the following assignments of error in this court:

First. That the court erred in holding that the guilt of the accused Santiago Alumisin, Esteban G. Corpus, and Pastor Duenas was proved beyond reasonable doubt.

Second. The court erred in finding that the wounds inflicted upon the offended parties were such as to bring the case within the provisions of paragraph 4 of article 508 of the Penal Code.

Third. The court erred in holding that in the commission of the crime there was present the aggravating circumstance of nocturnity and that the nighttime was selected in which to commit the crime.

Fourth. The court erred in holding that in the commission of the crime there was present the aggravating circumstance that it was committed in an uninhabited place.

From the record it appears that Alejo de Guzman, Mariano Evangelista, and Francisco Bato were the owners of two fisheries located in the pueblo of Bayambang, in the Province of Pangasinan; that said fisheries were located upon or near the boundary line between the pueblos of Bayambang, in the Province of Pangasinan, and the pueblo of Moncada, in the Province of Tarlac; that there had been some question between the two pueblos relating to the said fisheries. The pueblo of Moncada contended that said fisheries belonged to it; that the boundary line between the said pueblos, when properly located, would show that said fisheries belonged to the pueblo of Moncada.

Some time prior to the time of the commission of the alleged crime there was an election for the office of presidente of the pueblo of Moncada. The defendant, Santiago Alumisin, promised his people that if he were elected as presidente at said election he would take such steps as were necessary to bring the said fisheries within his pueblo. Upon this issue it appears that the said Santiago Alumisin was elected to the office of presidente (mayor). The taxes paid by the said fisheries into the municipal treasury was a considerable sum, sufficient at least to make it worth while for the pueblo to assert its right to them. After the election certain protests were presented against the election of the said Santiago Alumisin. One of the first acts of the said defendant, after his election to the office of presidente, was to secure authority from his municipal council to attempt to locate the boundary marking the division line between his pueblo and the pueblo of Bayambang. He was authorized by resolution of the municipal council to make said investigation. It appears from the record that on the 8th of January, 1908, two days after assuming his duties as presidente, this defendant, with a company of some thirteen persons, including the members of the municipal council, certain members, of a committee known as an agricultural committee of the pueblo, the sergeant of police, and certain municipal police, left the pueblo (Moncada) for the purpose of attempting to locate said boundary line. On this occasion they found one of the monuments marking the said division line.

On the 18th of January, 1908, another attempt was made by the defendant to locate other monuments marking said division line. On this second expedition he was accompanied by five others, to wit: Eduvigis Corpus, Esteban Cajulao, Esteban G. Corpus (sergeant of the municipal police), Pastor Duenas (a municipal policeman), and Jose Cabusay. Before leaving their pueblo they had received information that there was another monument marking the division line, located near the fisheries in question, and that Mariano Evangelista, one of the proprietors of the fisheries, knew where the said monument was located. With this information the said presidente and his companions went directly to the house of Mariano Evangelista. Upon their arrival there (January 18) Mariano Evangelista refused to point out the monument or to give them any information relating thereto. The defendant, Santiago Alumisin, and his companions on this day remained at said fishery, took their meal in the middle of the day and remained there until the cool of the evening before they returned home. So far as the record shows there was nothing but the kindest relations between the defendant, Santiago Alumisin, and his companions and the owners of the fishery on said day.

On this occasion there was at the fishery a young girl known as Toribia de Guzman, a relative of one of the

owners of the fishery, Alejo de Guzman. On this occasion the defendant, Santiago Alumisin, entered into a somewhat trivial conversation with the young girl and wrote a statement in a book which she had, which statement did not reflect much credit upon his dignity as presidente of the pueblo. However, there was nothing in the statement which in any way points to his guilt of the crime with which he is now charged.

Later, on the night of the 23d of January, 1908, some time between the hours of 12 and 2 o'clock, a band of robbers, composed of from ten to fifteen persons, armed with revolvers, a gun and bolos, it is alleged, appeared at said fishery and entered the camarin or house where the owners of the said fisheries lived, and by means of force and intimidation, representing themselves to be of the authorities, did rob said occupants of about P400 in money, one carabao and certain other effects. During the commission of the robbery some of the occupants of the house were maltreated and wounded. The evidence is very conflicting with reference to the exact time when the robbery was committed. None of the witnesses attempted to state the exact time of night. Some of them say that it was about midnight; other say that it was about 1 o'clock; others that it was sometime between midnight and 2 o'clock. We think that the evidence shows that if the robbery was committed at all, it was committed sometime between midnight and 2 o'clock in the morning.

After the robbers went away, two of the occupants of the house, Mariano Evangelista and Francisco Bato, went to the pueblo of Bayambang, which was some distance away, for the purpose of giving a report to the authorities of said robbery. Upon their arrival in the pueblo of Bayambang, about 6 o'clock in the morning, they first met a policeman, who was at the municipal building, and told him about the robbery. This policeman asked them if they could give the names of the robbers. They answered him that they could not. The policeman called the presidente of the municipality of Bayambang to give to him an account of the robbery. The presidente called these two persons and asked them if they recognized any of the robbers, and if they could give the names of any one of the said robbers. They answered the presidente that they did not recognize any of them.

Upon hearing their account of the robbery, the presidente sent a member of the Constabulary, Gregorio Torio, together with certain policemen, to the scene of the alleged robbery, for the purpose of making an investigation of the said robbery. Mariano Evangelista and Francisco Bato accompanied the said Gregorio Torio and the policemen back to the fishery.

Gregorio Torio testified as a witness on the trial of the cause. He said that upon his arrival at the fishery, some of the occupants of the house, at least three of them, if not four, told him that they had recognized at least three of the robbers and that they were the defendants, Santiago Alumisin, Esteban G. Corpus, and Pastor Dueñas.

After Gregorio Torio had made an investigation, he started back to the pueblo of Bayambang. He swore that the occupants of the robbed house told him that the robbers were Santiago Alumisin, and the other two were the policemen of the pueblo of Moncada. We think the question pertinent - If Gregorio Torio had been informed who the robbers were, why did he not go to the pueblo of Moncada, instead of returning to the pueblo of Bayambang? These two pueblos are in different directions from the fisheries. After Gregorio Torio and his companions had started back to the pueblo of Bayambang, and after they had gone some distance, the occupants of the robbed house saw a number of individuals crossing a river near by, coming in the direction of the house. The occupants immediately raised the cry that the robbers were returning and sent a messenger after Gregorio Torio and requested him and his companions to return. Gregorio Torio and his companions, upon the request, did return to the fishery. Upon his return there he found the defendants in the present cause, and placed them under arrest and took them to the pueblo of Bayambang.

There is much conflict in the testimony relating to the conversation which took place between Gregorio Torio and Santiago Alumisin and the other defendants at the time of their arrest.

The defendants, Santiago Alumisin and his companions, arrived at the fisheries on the morning of the 24th of January, sometime between 8 and 10 o'clock. We think that the weight of the testimony shows that they arrived there about 9 o'clock in the morning. Gregorio Torio took the defendants and two of the occupants of the house, Mariano Evangelista and Francisco Bato, to the pueblo of Bayambang. Sometime during the afternoon (January 24) the auxiliary justice of the peace made some investigation of the robbery and took the statements of Mariano Evangelista and Francisco Bato. Francisco Bato stated that he did not recognize any of the persons who committed the robbery. Mariano Evangelista said that he thought that he recognized Santiago Alumisin by his voice.

Later a further investigation was held by the justice of the peace of the pueblo of Bayambang. The defendants were arrested and detained and later the cause was brought on for trial in the Court of First Instance. During the trial in the Court of First Instance, the said Alejo de Guzman, Toribia de Guzman, Mariano Evangelista, Francisco Bato and other witnesses were sworn in behalf of the prosecution. In the Court of First Instance Alejo de Guzman, Toribia de Guzman, Mariano Evangelista, and Francisco Bato swore positively that they identified on the night of the robbery the defendants Santiago Alumisin, Esteban G. Corpus, and Pastor Dueñas. Their statements relating to the identification of the defendants seem to be positive and unequivocal. There is much conflict between them, however, relating to the appearance of these defendants on the night in question. Some of them say that the defendants wore hats; others swore that they did not wear hats. One of them stated that the presidente had a handkerchief tied around his head; others swore positively that the presidente had nothing on his head whatever. Some of them swore that the defendants had their faces covered with mud; others say that their faces were not covered with mud. This conflict between their sworn statements seems to lend some doubt to the veracity and truthfulness of their relation of the facts. This conflict between their statements, added to the fact that they each swore that between the time of the robbery and the time when the alleged robbers returned the next morning, there was no statement made by any of them, among themselves, relating to the identity of the persons who had committed the robbery, seems to lend additional doubt to the credibility of their statements made during the trial of the cause.

The defendants make an effort to show that their presence at the fishery at any time between 12 and 2 o'clock on the night of the 23d of January was impossible. The defendant, Santiago Alumisin, proved to our mind beyond peradventure of doubt, that he was in the pueblo of Moncada up to and after 12 o'clock on said night. The other defendants were accounted for, especially the policeman, during the entire night up to about 6 o'clock in the morning of the 24th. The records of the police station show this fact. It is further shown that on the morning of the 24th, on or about 6 o'clock, one of the defendants, the sergeant of police, hired a horse of a Chinaman in the pueblo of Moncada.

It will be remembered that at the time the robbery was committed the band was then composed of from ten to fifteen persons. When the presidente and his companions arrived at the fishery on the morning of the 24th, about 9 o'clock, there were but nine persons in said company. The lower court acquitted six of the nine. If the presidente was a member of the band of robbers on the night of the 23d, the band being composed of from ten to fifteen persons, he must have left the fisheries and formed another band composed of different persons, and returned to the fisheries the next morning. In order to have accomplished this he must have gone from his pueblo to the fisheries after 12 o'clock at night, and returned to his pueblo before 6 o'clock in the morning and organized his second band. The possibility or impossibility of doing this would depend somewhat upon the distance between his pueblo and the fisheries. The evidence does not show clearly the distance. Some of the witnesses swore that it would require about six hours to walk the distance; others said that the distance might be walked in four hours. The fact is that the presidente and his companions who were arrested at the fisheries on the morning of the 24th, left the pueblo of Moncada on or about 6 a. m., all of them being on horseback, except two of them. They did not

arrive at the fisheries until at or about 9 o'clock. This would seem to prove that it required at least three hours, more or less, to go on horseback from the pueblo of Moncada to said fisheries. It seems unreasonable to us to believe that the presidente should have organized a band of robbers composed of ten or fifteen persons, after 12 o'clock at night, and have gone to the fisheries and committed the alleged robbery, and have returned to his pueblo and have organized another band composed of nine persons before 6 o'clock in the morning, and have returned to the fisheries by 9 o'clock. No proof was presented showing or tending to show when the presidente and his companions arrived at the fisheries the next morning, before the return of Gregorio Torio, that he or his companions had intended to commit any acts of violence toward the owners of the fisheries.

According to the testimony of the owners of the fisheries, the robbers made a thorough search, of the house at the time of the robbery and carried away all of the money which they had. If these defendants were the persons who committed the robbery at night, they must have known, because of their search of the house, as alleged by the offended persons, that there was no other property there to rob. For what purpose then did they return the next morning in broad daylight? If they had been recognized during the time of the robbery, they must have known it, and why did they return the next morning for further identification? It seems unreasonable to us that the presidente, if he had been a member of the band of robbers on the night in question, should have returned there the next morning in broad daylight. He knew the occupants of the house and he knew that they knew him. He had spent the entire day there just a few days before the time of the robbery.

The fact that the defendant Santiago Alumisin had been elected presidente of his pueblo upon his promise to locate accurately the boundary line between the pueblo of Moncada and the pueblo of Bayambang, and the fact that his municipal council had expressly authorized him after his election to attempt to locate said boundary line, and the fact that he had made two expeditions before the morning of the 24th for the purpose of finding the monuments located upon said boundary line, seem to justify his contention that he, together with the sergeant of police of his pueblo, the agricultural committee of his pueblo, and other policemen were at the fisheries on the morning in question for the purpose of making a further investigation and that they were not there for the purpose of committing a robbery. These facts seem to us to be sufficient to refute absolutely the contention of the prosecution, that the defendants Santiago Alumisin, Esteban G. Corpus, and Pastor Duenas, together with ten or more other persons, were present at the fisheries between 12 and 2 o'clock on the night of the 23d of January, and then and there assisted in the commission of the alleged robbery. The fact that the witnesses for the prosecution, after having recognized some of the robbers, failed to communicate to each other the names of the persons recognized; the fact that two of the persons robbed who went to the pueblo of Bayambang the next morning to give an account of the robbery, failed to give the names of the persons they recognized among the robbers, together with the fact that Gregorio Torio, as he alleged, had been given the names of some of the robbers, started to return to the pueblo of Bayambang, instead of going in the direction of Moncada, all taken together, seem to throw much doubt upon the credibility of the statements of the persons robbed, when they swore in the Court of First Instance, during the trial of the cause, that at the time of the robbery they recognized the presidente and the sergeant of police.

Upon all of the facts presented during the trial of the cause, we are of the opinion and so hold that the evidence does not show beyond peradventure of doubt that the appellants Santiago Alumisin, Esteban G. Corpus, and Pastor Duenas assisted in the commission of said robbery. Therefore the judgment of the lower court is hereby reversed, the complaint against these defendants is hereby ordered to be dismissed and the defendants discharged from the custody of the law, with costs de oficio. So ordered.

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

Arellano, C. J., dissents.

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.