

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. MARTIN DOMINGO ET AL., DEFENDANTS AND APPELLANTS.

G.R. No. 6219. March 16, 1911

Ponente: CARSON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-6219/>

CARSON, J.:

One of the candidates for the office of president of the municipality of Santa Maria, Province of Ilocos Sur, at the last municipal elections held a public meeting for the purpose of furthering his candidacy on the evening of the day before the election. The meeting was well attended, from 150 to 250 persons being present, most of whom were partisans of the candidate who organized it. It was addressed by various speakers, including the candidate himself. Between the hours of 9 and 10 o'clock, about the time when the last speaker was bringing his address to a close, a party of 100 persons, more or less, composed largely, if not exclusively, of partisans of the opposing candidate for the office of president, marched down the street to the inspiring airs of a guitar. When this party arrived in front of the house where the meeting was being held, it stopped. Some words passed between the members of the crowd on the street and the people at the windows upstairs where the meeting was being held; but no attempt appears to have been made by the party outside to enter the house or to disturb the meeting inside by any concerted action, other than by standing in a large crowd about the doors of the house in such a way as to necessarily distract the attention of those attending the meeting inside by the mere fact that they were doing so. The last speech having come to an end, the people inside the house crowded down the stairs and out on to the street; some of the more timorous ones climbed out of the windows at the back of the house, but later events demonstrate that there was no necessity for such a superabundance of precaution, as, with possibly a single exception, those who went on to the street either went peaceably to their homes or mingled with the party outside, without any attempt on the part of the latter to do them any injury or in any way molest them. The single exception to the peaceable dispersal of the crowd on that occasion was an altercation which arose between two individuals, members respectively of the different parties, both of whom were arrested by the police and taken to jail. Their arrest seems to have been occasioned by their individual misconduct and not to have been in any way the result of a conflict between the parties as a whole; and it does not clearly appear from the evidence which of the two was the original aggressor. There is some testimony to the effect that some of the members of the party outside threw stones at the house where the meeting was in progress, but none of the stones appear to have entered the windows and there was certainly no general stone throwing indulged in by the crowd who were standing immediately under the windows where the meeting was being held. That there was some slight disturbance connected with the closing of the meeting can not be doubted, but on a review of the whole record we do not think that it could have been of a very serious nature. Partisan feeling was running very high at the time, and to us it seems rather remarkable that under all the circumstances a serious disturbance did not take place. We are inclined to think that the party outside the house did not plan a serious disturbance or intend that one should take place, as otherwise it could hardly have been avoided. Their stopping in front of the house would appear to have had for its object an effort to induce some of the persons who were attending the first meeting to accompany them to other meetings being held at other places in the same town, where the claims of other candidates for

office were being pressed upon the attention of voters; and also perhaps, to impress upon the minds of those attending the meeting inside, the fact that the candidate who organized it was not the only one who could boast of a substantial following at the elections to take place the following day.

The trial judge was of opinion that each and all of the members of the party who stopped outside of the house where the meeting was being held were guilty of the crime of "gravely" disturbing the public order on the occasion of a largely attended reunion or meeting, as defined and penalized in article 258 of the Penal Code, and found the appellants guilty of that crime. Five of them, who, as it appears, were officials of the municipality, were sentenced to six months of arresto mayor and the payment of a fine of 2,625 pesetas each, and seventeen others were sentenced to four months and one day of arresto mayor and the payment of a fine of 1,500 pesetas each. We are of opinion, however, that while the evidence sustains the finding of the trial court that all these defendants were members of the gathering which stopped outside on the street while the meeting was in progress inside, the offense committed by these appellants constituted merely a misdemeanor as defined in section 4 of article 574 of the Penal Code, which is as follows:

"ART. 674. A fine of from 15 to 125 pesetas and reprimand may be imposed upon:

* * * * *

"4. Those who, without being included in other provisions of this code, shall lightly disturb public order by using means that naturally would produce alarm or disturbance."

The trial judge based his conclusion that the defendants were guilty of the crime of "gravely" or grossly disturbing the public order as defined and penalized in article 258 of the Penal Code, on three grounds:

- (1) Because the meeting which was disturbed was organized in connection with the municipal elections to be held the next day:
- (2) Because it appears that the ill-will engendered between the partisans of the various candidates at the election, resulted in such general disorder that some days thereafter a special detachment of Constabulary was required to keep the peace in the municipality; and
- (3) Because some of the members of the party comprising the crowd in the street held municipal offices and were candidates for reelection thereto.

Under the provisions of Chapter VI [Title III, Book II] of the Penal Code we would be entirely agreed with the trial judge in his characterization of the disturbance of which the defendants were guilty, as a "grave" or a "gross" disturbance of public order, had it taken place in connection with the actual holding of an election; for instance, in or about a voting booth, or the place where the votes were being counted, or, perhaps on the public highway along which voters on their way to exercise their right to vote must necessarily pass. But we think that under all the circumstances of this case, the fact that numerous meetings were being held at which the citizens and voters called together in public by contending candidates and their partisans for the purpose of inducing or persuading them to support one candidate or the other at the forthcoming election, tends to justify a lenient rather than a severe judgment of the nature, object, and conduct of the gathering of which the defendants formed a part. In the excitement of a hotly contested campaign, some allowances must be made for the tense state of public feeling, and not every petty incident should be magnified into a matter of grave import. Within reasonable limits the candidates and their partisans should be willing, to bear and forbear with each other, recognizing that at such a time things are often said and done in the heat of the contest, which the authors themselves in a calmer moment would be the first to deprecate. And so the courts, in passing upon the question whether a breach of the peace has resulted on such an occasion from the clash of contending wills and the conflict of opposing policies, opinions,

and sentiments, and in characterizing such public disorders as do actually arise, should keep in mind the actual conditions. The assembling of the people together, marching and countermarching in bands from place to place, endeavoring by speeches and debate/both public and private, to hold together the partisans of one set of policies or candidates and to draw away the partisans of opposing policies and candidates, while it undoubtedly tends to disturb the peace and quiet which ordinarily reigns in the community, does not necessarily involve a criminal breach of the peace or disturbance of public order. Where no municipal ordinance or public law or regulation forbidding such gatherings is violated, a criminal breach of the peace can not properly be said to have been committed, unless the disturbance created is such that it exceeds the limits within which the partisans may fairly be required to restrict themselves under the circumstances; and in imposing a penalty for a breach of the peace on such occasions, it must not be forgotten that the reprehensible conduct of the partisans does not consist of their assembling together and making public demonstrations, but in exceeding those limits of public order and good behavior beyond which, under the circumstances, the citizen may not pass.

Nor can we agree with the trial judge that the conduct of these accused amounted to a "grave" breach of the peace, because of the serious disorders which it appears broke out in the municipality after the election. Had the proof shown that these disorders resulted directly or even indirectly from the disorderly conduct of the crowd of which these accused formed a part, that fact might perhaps be taken into consideration in characterizing the public disorder of which they were guilty; but there is not a particle of evidence which shows any relation of cause and effect, between the conduct of these accused on the night in question and the disturbances in the municipality which took place after the election had been held.

So too, when it is considered that the local municipal officials had a perfect right to take part in an election meeting and to join in a gathering of partisans of one candidate or the other, we do not think that their presence in the crowd substantially affected its nature, object, or purposes so as to convert the slight disorder of which its members were guilty into a grave breach of the peace.

The judgment of conviction and the penalty imposed by the trial court should, therefore, be reversed and we find all of the appellants and each of them guilty of the misdemeanor defined and penalized in article 574, section 4, of the Penal Code, and sentence them and each of them to pay a fine of P5 and the payment of their respective shares of the costs in the first instance, the costs of this instance to be de oficio. So ordered.

Arellano, C. J., Mapa, Moreland, and Trent, 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.