

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. FELIPE SALVADOR (ALIAS APONG IPI), DEFENDANT AND APPELLANT.

G.R. No. 6705. February 27, 1912

Ponente: MORELAND, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-6705/>

MORELAND, J.:

The defendant in this case was convicted of the crime of bandolerismo. He was charged with having been the chief of a large band of outlaws and desperadoes which bore the name of "Santa Iglesia;" which for several years terrorized the Provinces of Bulacan, Nueva Ecija, Tarlac, Bataan, and Pampanga. He was duly convicted after a long trial and sentenced to death. From that judgment of conviction no appeal has been taken. The case is before us en consulta.

On the 8th of August, 1900, the accused took the oath of allegiance to the Government of the United States before Lieut. Col. K. E. Wilier of the Forty-third Infantry. Scarcely, however, had he taken his oath than he began to violate it. His acts of sedition, if not rebellion, became so open that he was subsequently captured and convicted of sedition. In 1902 or 1903 he broke jail and escaped. Having obtained his freedom he entered upon a career which, from about the year 1902 until the 24th of July, 1910, when he was again captured, made his name a fear and a dread among the peaceful inhabitants of an extensive territory. The band, of which he was the head, wrought havoc among the peaceful pueblos of the provinces named for more than seven years. In June, 1902, this band, composed of from two to three hundred people, at least partly armed, attacked the barrio of Santa Rita, pueblo of Cabiao, Province of Nueva Ecija, shouting as their battle cry "Viva Santa Iglesia." In this assault they captured five residents of the pueblo and carried them away as prisoners. On the 19th of June, 1903, this same band attacked the pueblo of San Juan de Guimba, Province of Nueva Ecija, taking from the local police their arms and ammunition. In the same month and year the same band, composed of about fifty persons, most of them armed with guns or revolvers, having disguised themselves as Constabulary and announcing themselves as such, raided the pueblo of Jaen, Nueva Ecija. They attacked the principal municipal building, stole several guns and revolvers, with ammunition, and captured the municipal president, a person named Apolinario Gimenez, and three municipal policemen. On the 2d day of July, 1903, ten members of the Philippine Constabulary located in the barrio of San Miguel, pueblo of Concepcion, Province of Tarlac, were poisoned by members of this band, by direct order of the accused, for the purpose of obtaining the arms and ammunition which they carried. During the same month the said band, composed of about one hundred persons, armed with revolvers and bolos, entered the pueblo of Mabalacat, Province of Pampanga, and assaulted the Constabulary quarters in said town, crying "Viva Santa Iglesia," capturing six Springfield rifles, three guns, six revolvers, with ammunition, and three pair of shoes belonging to the soldiers. In this attack they killed a Constabulary soldier called Anacleto Galang and captured another named Benito Galang. On the 1st day of February, 1903, this band, composed of about two hundred men, armed with bolos, daggers, and clubs entered the pueblo of San Jose, Nueva Ecija, and assaulted the quarters of the Constabulary, stealing nine guns, with cartridges and ammunition, and wounding two of the Constabulary. On the 15th of September, 1908, the same band, composed of about three hundred persons, armed with thirty guns, a second time assaulted the pueblo of San Jose, Nueva Ecija, with the battle-cry of "Viva Felipe Salvador," attacked

the Constabulary quarters, killed a Constabulary soldier, and stole two guns and some accouterments. This action was directed by Felipe Salvador, who, not desiring to expose himself personally to the danger involved in the attack, remained at Malapad na Bato near by. In September, 1903, the band, at that time containing about one hundred and fifty men, armed with bolos and clubs, raided the barrio of San Vicente, Province of Nueva Ecija, and captured about one hundred persons, including women and children. In the month of January or February of the year 1906 the accused, Felipe Salvador, as chief of the said band of brigands known as "Santa Iglesia," issued a circular letter calling on the people of Hagonoy and Calunapit in the Province of Bulacan to assemble at Mount Arayat for the purpose of attacking the Constabulary quarters at Malolos, capital of the Province of Bulacan. Many of the residents of these places complied with the order and made their way to Mount Arayat, where they were met by the accused. As a result of this gathering a new band was formed bearing the same name. On the night of the 15th of April, 1906, armed with guns, revolvers, daggers, and bolos, they entered the pueblo of Malolos aforesaid, crying "Viva Felipe Salvador—Viva Santa Iglesia—Viva Apong Ipi," and assaulted the Constabulary quarters, killing three Constabulary privates and wounding four others, stealing twenty guns, seventeen belts, each one containing fifty cartridges. They captured Juan Palomo, who was held as a prisoner on Mount Sinucuan or Mount Arayat nearly six weeks. On the 9th day of July, 1906, this same band, composed of about fifty-three persons, armed with thirty-seven guns and other arms, and following the orders of the accused in this case, fought a battle with a company of Constabulary soldiers in the pueblo of Hagonoy, Bulacan, in which one Constabulary soldier was killed and four members of the attacking band met their death. In the month of March, 1910, this band of outlaws, led personally by the accused, Felipe Salvador, assembled to the number of about three hundred persons at Mount Arayat, Province of Pampanga, for the purpose of raiding the pueblo of Santa Ana and of assaulting and capturing the quarters of the Constabulary at said place. This purpose was not accomplished, however, by reason of the action of the authorities, which prevented its success. Notwithstanding this fact, however, in the month of April, the band, armed, and directed personally by the accused, entered the pueblo of Arayat, in the Province of Pampanga, and there on the following night fought a battle with the Constabulary in which one of the band was killed.

This is in synthesis the history of the operations of this notorious band and its still more notorious leader. During the seven or eight years to which we have referred the Government was almost continually sending out expeditions for the destruction or capture of the band. During this time the Government apprehended and punished more than a score of its members. The sums of money paid out by the Government in expeditions sent out against said band, together with the value of the property which said band captured and destroyed during its operations, amounted probably to nearly one million pesos.

The accused, in his testimony upon the trial, admitted having been the founder and the supreme chief of the band known as "Santa Iglesia;" that it had been organized through his efforts during the revolution against Spain and had continued until the time of his capture. He asserted, however, that such band was not a band of brigands or desperadoes but was composed of law-abiding citizens, and that the sole end and purpose of the organization was to "pray to God for mercy." In the face of the overwhelming proofs in this case, such assertion does not even reach the dignity of an excuse. The object and purpose of an organization are best demonstrated by its acts or its results. It matters not what may be its constitution or what may be the objects set down on paper. If such organization dedicates itself to pillage and murder, to nightly attacks on unoffending citizens, to the destruction of homes and of property, to the capture of innocent men and women, it is a band of robbers and murderers, no matter what may be its objects as set down on paper or those proclaimed by its leader. All these things this band did; and while it was doing them the accused was their chief, maintaining the organization by his force of character, using his genius for leadership to make it effective, and sending it forth under the cover of night with instructions to attack and kill.

Counsel for the accused rests the argument which he presents upon two bases. The first one is that the accused was not personally present at the time when the raids of this band took place and, therefore, should not be held responsible for them and the acts committed in the course thereof. The second is that, even if the accused were personally present, the penalty which he should suffer should be imposed under Act No. 2036 of the Philippine Legislature, lately enacted, which deals with the crime of bandolerismo and notably modifies the severity of the penalties prescribed by the Act which was in force at the time of the commission of the crimes alleged.

As to the first point little need be said. It is of no consequence, legally speaking, whether or not Felipe Salvador was present during the raids of his band. If they were under his leadership, if they did the things which he commanded, if he planned their campaigns of pillage and violence, and gave the orders which they executed it is immaterial whether he was personally present or not.

That the defendant was at Mount Arayat while his band was at Malolos is not a controlling factor under all the circumstances of this case. Although absent from many of the raids, including this one, nevertheless his genius had obtained the men, had organized them, had laid the plans and directed the attacks. Although miles away, his spirit and personality animated his men and were incarnated in the battle cry of "Viva Felipe Salvador, " "Viva Apong Ipi." Although absent, their faith in him filled them with an exultant courage; for was he not to them always, "Felipe, Salvador del Mundo?"

Moreover, should ignorance and superstition be punished when the intelligence and ability which take advantage of them go free? Is not the one whose ambition, intelligence, and genius welds into a weapon of offense the ignorance, prejudice; religious fervor and, mayhap, patriotic sentiment of others and hurls it into the midst of peaceful communities with the injunction to destroy and kill, fully as guilty as they whose sentiments and passions he has aroused to attain his sinister purposes? Is he whose ambitions, intelligence, and genius have worked upon the untrained faculties of others less responsible for the results than the poor, deceived, and overwrought men upon whom his genius has imposed? But for the baneful influence of the accused at bar, but for his gift for organization, his genius for command, and an ambition which hesitated at no scruple, halted at no deed, and which drove everything before it, the members of his band, many of whom are now convicts or outlaws, would have followed the vocations of peace, much valuable property would have been saved, and the years during which he operated would have been, for many, years of security and plenty instead of fear and want. We do not believe that the ignorant victims should be punished, while the one whose skill and cunning victimized them goes free.

As to the second point. The attorney for the accused asserts the proposition, under proper conditions well recognized in Spanish law, that a subsequent law punishing a crime less severely than a law previously enacted shall have retroactive effect and the penalty imposed for crime, even though committed prior to the passage of the latter, shall be governed by the terms of the milder Act. He, therefore, contends that Act No. 2036 of the Philippine Legislature, although a later Act, should apply to this case. In this contention counsel forgets that portion of the Act in question which relates to the condition which is presented when, at the time the crime of bandolerismo is committed, there are committed other crimes of a graver and higher nature. In other words, he failed to take into consideration that portion which provides that, if during the commission of the crime of bandolerismo the band should also commit the crime of murder, for example, the members of the band, although at the time engaged in the crime of bandolerismo, might also be prosecuted for the crime of murder. In the case at bar several murders were committed by this band and there were several robberies with homicide. We have already held in the case of *U. S. vs. De Guzman* (19 Phil., Rep., 350) that where the information contains facts sufficient to constitute the crime of murder or the crime of robbery with homicide, the accused may be convicted of such crime even though the caption of the information charges bandolerismo. In that case we said:

"The facts alleged in the information fully, clearly and distinctly charge the crime of robbery with homicide, as defined and penalized in article 502, paragraph 1, of the Penal Code, as well as the crime of bandolerismo.

* * * * *

"The crime of bandolerismo, as set out in the above information, includes the crime of robbery with homicide. We have repeatedly held that an accused may, the proofs warranting it, be convicted of any crime described and charged by the facts set out in the information irrespective of the characterization of the crime made by the prosecuting officer. The situation of the accused would not be improved by a conviction of robbery with homicide rather than bandolerismo."

It is alleged in the information in this case that said band, under the immediate orders and directions of the accused in this case, "on the night of the 15th of April, 1906, entered the municipality of Malolos, Bulacan, attacked the quarters of the Constabulary at that place and killed three of its guards, wounded various soldiers, captured a musician, Juan Palomo, and stole twenty-three guns, two revolvers, one thousand cartridges and a musical instrument, the property of said Constabulary and of the Insular Government." The facts alleged in this information were fully supported by the evidence in the case. Together they demonstrate beyond question or doubt that the accused and his band are guilty of the murder of the three soldiers referred to. This fact makes it unnecessary to determine the question presented by counsel for the reason that that Act provides for the very case in hand.

The judgment of the court below is founded in the facts and is supported by the law and must be and is hereby affirmed, without special finding as to costs.

Arellano, C. J., Torres, Johnson, Carson, 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.