

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. ASLUL, DEFENDANT AND APPELLANT.

G.R. No. 6829. December 15, 1911

Ponente: JOHNSON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-6829/>

JOHNSON, J.:

This defendant was charged with the crime of murder, in the Court of First Instance of the District of Zamboanga. The complaint was as follows:

"That the said accused on August 20, 1908, in the settlement of Basak, Basilan, tribal subdistrict No. 1, district of Zamboanga, Moro Province, accompanied and aided by a bandit named Akalol, now dead, did willfully, unlawfully and criminally and with alevosia attack and kill with a barong the Moro Pusong, residing in said tribal subdistrict, who had been acting as a guide for the military forces in operations in Basilan against a band of outlaws to which said accused belonged; having inflicted upon the said Moro, Pusong, serious wounds, from which he died; having acted with premeditation conocida and alevosia; an act constituting the crime of asesinato, defined and penalized by article 403 of the Penal Code and performed within the jurisdiction of this Court of First Instance: in violation of law."

After hearing the evidence adduced during the trial of the cause, the Hon. Herbert D. Gale, judge, found the defendant guilty of the crime of assassination, with the qualifying circumstance of "premeditation conocida," and sentenced him to be imprisoned a la pena de cadena perpetua, to indemnify the heirs of the person killed in the sum of one thousand pesos, and to pay the costs of the trial, with the accessory penalties provided for in article 54 of the Penal Code. From that sentence the defendant appealed to this court.

The only question presented by the appellant is a question as to the sufficiency of the evidence adduced during the trial of the cause to show that the defendant was guilty of the crime charged, beyond peradventure of doubt.

An examination of the evidence brought to this court shows that the defendant, with his brother, Akalol, at nighttime, on or about the 20th of August, 1908, armed with a barong, did kill the Moro, Pusong, in the rancheria de Basak, on the Island of Basilan. The commission of the crime was witnessed by the Moros Buciu, Jiclan, and Calila. The evidence shows that the defendant and his brother, Alkalol, were members "de una partida de malhechores." The evidence further shows that there had been an attempt on the part of the American Army operating in the District of Zamboanga, to capture said band and that the deceased Puson, had been acting as a guide for the American troops. It is believed that the motive for killing Puson was the fact that he had been acting as such guide for the American soldiers.

The evidence is not very full with reference to the manner in which the crime was committed. There is no proof, however, more than a suspicion, that there existed the qualifying circumstance of "premeditation conocida" Qualifying circumstances must be proven the same as any other element of a crime. (U. S. vs. Borsed, 9 Phil. Rep., 203.) None of the qualifying circumstances of article 403 of the Penal Code were shown to exist in the commission of the crime. The crime can not be qualified, therefore, as murder. The crime committed by the

defendant was homicide only. The crime was committed with the qualifying circumstance of nocturnity and with the use of prohibited arms. Therefore the defendant must be punished in the maximum degree of "reclusion temporal."

The judgment of the lower court is, therefore, hereby reversed and the defendant is hereby sentenced to be imprisoned for a period of twenty years of "reclusion temporal," with the accessory penalties named in article 55 of the Penal Code, to indemnify the heirs of the deceased in the sum of P1,000, and to pay the costs.

Mapa, Carson, 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.