

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. JOSE BATALLONES ET AL., DEFENDANTS AND APPELLANTS.

G.R. No. 7284. August 23, 1912

Ponente: CARSON, J.

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CARSON, J.:

The defendants in this case were charged with the crime of detencion ilegal by the fiscal of the Province of Laguna. The information charging the offense is as follows:

"The undersigned charges Jose Batallones, Maximo Cuadro and Isaac Demo with the crime of illegal detention, committed as follows:

"On or about December 5, 1909, in the municipality of Cabuyao, Province of Laguna, the accused Jose Batallones, justice of the peace, and the accused Maximo Cuadro and Isaac Demo, policemen of the said municipality, all of them acting in such capacities, did willfully, maliciously and criminally arrest Apolonio Gumarang and Inocencio Reyes and detain them from that night to the morning of the 6th of the said month and year, although they had not committed any crime or misdemeanor to warrant such detention and although the accused were not authorized by any law or ordinance to detain said persons in violation of law."

The trial judge found all and each of the defendants guilty of the crime of detencion arbitraria, as defined and penalized in article 200 of the Penal Code, and sentenced each of them to a fine of 3,250 pesetas, that being the maximum penalty prescribed by law.

It appears that on the 5th of December, 1909, Apolonio Gumarang and Inocencio Reyes, two secret service agents connected with the Bureau of Internal Revenue, were in the municipality of Cabuyao on official business; that while there they were arrested by the appellants Maximo Cuadro and Isaac Demo, members of the local police, and were taken by them before the appellant Jose Batallones, a justice of the peace, who directed that they be detained in the municipal jail until further orders; and that in compliance with that order they were detained in the municipal jail until the next morning, when they were released upon information as to their identity furnished by the municipal treasurer.

We think that the evidence of record sufficiently establishes the following additional facts in connection with the incident. Some time prior to the arrest several thefts and robberies had been committed in the municipality of Cabuyao. The two secret service agents, strangers in the municipality, were seen spying about in the neighborhood of the market place, and acting generally in a manner calculated to arouse the suspicions of anyone not advised as to the duty in which they were engaged. A woman named Restituta Catindig, having had her attention attracted by the peculiar conduct of the men, approached them between 6 and 7 o'clock in the evening in a dark corner where they were apparently attempting to secrete themselves. When she approached they slipped away, apparently desiring to avoid observation. She complained to the two accused policemen on duty in the neighborhood, and charged the strangers with being suspicious characters. The policemen called upon the secret

service agents to give an account of themselves, and to explain their suspicious conduct, and at the same time demanded that they produce their cedula. This the secret service agents were unable to do, claiming that they had forgotten them in the neighboring town of Calamba. They undertook to identify themselves by producing certain documents in English to show just what was their business. The police officers, who did not know English, were unable to read these documents, and believing that their conduct and their inability satisfactorily to account for themselves justified the suspicion that they were in some way connected with the recent robberies, or that they were about to commit theft or robbery, placed the two men under arrest and took them forthwith to the house of the justice of the peace informing them that the justice of the peace would be able to understand the documents produced by them and to decide what was proper to do under all the circumstances. The justice of the peace came down from his house, glanced over the papers, and without further attempt to verify the truth of the claims of the secret service agents, ordered them to be taken to the municipal jail and there to be searched and detained until further orders. The justice of the peace, at the trial, denied that he had given any order directing their detention, but we think the evidence conclusively establishes not only that he did so, but that the order was issued by him without making any effort to verify the truth of the claims of the secret service agents, and without giving them any reasonable opportunity to explain their suspicious conduct or to produce evidence to relieve themselves of the suspicions aroused by their peculiar conduct in and about the market place. Indeed, the proof shows that he apparently wholly failed to appreciate the obligation which rested upon him to make a reasonable attempt to satisfy himself as to the grounds upon which the suspicions of the policemen were based, before issuing a judicial order for the detention of the men arrested by the policemen.

So far as the conduct of the two policemen is concerned, we are wholly unable to agree with the trial judge that there was anything reprehensible in their action in making the arrest, and certain it is that in view of the facts above set out a criminal charge of detencion arbitraria cannot be maintained against them.

In a former case we held that officials in these Islands, who, "by direct provisions of law or by appointment of competent authority are charged with the maintenance of public order and the protection and security of life and property," have authority to make arrests without warrant substantially similar to the authority generally conferred upon "peace officers" in the United States, and more especially that class of "peace officers" known to American and English law as constables; and that "the provisions of section 37 of Act No. 183" (the Charter of Manila) "quite clearly set forth the powers usually conferred by American and English law upon 'peace officers' including 'constables' in making arrests without warrants," and provide that they "may pursue and arrest without warrant, any person found in suspicious places or under suspicious circumstances, reasonably tending to show that such person has committed or is about to commit any crime or breach of the peace; may arrest, or cause to be arrested without warrant, any offender, when the offense is committed in the presence of a peace officer or within his view." (U. S. vs. Fortaleza, 12 Phil. Rep., 472, 479.)

In the light of after events it is of course very clear that the suspicion directed against the secret service agents was not well founded; but viewing the facts as they must have presented themselves to the woman who complained to the policemen, and to the policemen themselves, at the time of the arrest, we think that they must be held to have had reasonable grounds upon which to base their suspicions as to the arrested men. One readily sees that the conduct of these secret service agents, engaged, as presumably they were, in an attempt to surprise violators of the Internal Revenue Law, might well give rise to suspicions as to their real object and intentions in the mind of one who was not advised as to the real object which they had in view; and their inability satisfactorily to account for themselves and to produce their cedula undoubtedly tended to confirm the suspicions already aroused.

We must not be understood, however, as holding that under the law as it now exists the mere fact that a citizen is unable to produce his cedula upon demand would in itself justify his arrest and detention without a warrant. There

is no authority in law for the making of such arrests upon such grounds. But the conduct of these strangers in a provincial town in these Islands having already aroused the suspicion that they may have been guilty of a grave offense or were about to commit one, their failure or inability to produce their cedulas, or to satisfactorily account for their failure so to do, naturally impressed the local policemen as in some sort confirmatory of the suspicion already aroused. The failure to produce their cedulas on demand was not in itself an offense, but in the minds of the two policemen in the case at bar it was undoubtedly calculated to confirm their suspicions already aroused.

Under all the circumstances we think that the action of the police officers in promptly bringing the suspected persons before the local judicial officer clearly indicated that, on their part, their acts were wholly inspired by a genuine desire to faithfully perform their duties as guardians of the law and of the good order of the community. And we conclude, therefore, that though the suspicions on which they based the arrest were not well founded, they are in no wise criminally responsible for their action in making the arrest; the facts, as they appeared to them at the time, having furnished reasonable grounds for their suspicions under all the circumstances.

But the facts as developed by the evidence of record do not in our opinion sustain the defense offered by Jose Batallones, the justice of the peace, and wholly fail to justify his conduct in arbitrarily issuing the order for the confinement of the suspected secret service agents. He himself denied that he had directed that they be detained, but we think that the evidence of record shows conclusively that he did in fact issue a verbal order to that effect. Indeed, the suspected persons having been brought before him by the police officers, it would seem that it was his duty as the local judicial officer, either to order their discharge or to direct that they be detained.

The suspected persons were brought before him about 6 or 7 o'clock in the evening at his own house. There was plenty of opportunity for the verification of their claim that they were not suspicious characters, and that such suspicion as might have arisen in the minds of the policemen and of the woman who complained against them was founded upon acts the meaning of which was satisfactorily explained by the fact that they were engaged in the performance of their duties as secret service agents. The papers in their possession, had they been examined carefully by the justice of the peace, who is presumably a man of some intelligence and education, were entirely sufficient to dispel any doubt as to the true character of these men. The testimony of the justice of the peace himself would seem to indicate that he was able to understand the contents of these documents; and even if the fact that they were prepared in English rendered them unintelligible to him, he could easily have verified the nature of their contents with the aid of one or other of the local officials or of some other person in the municipality who could read English. As a matter of fact, the municipal treasurer on the following morning secured the prompt discharge of the prisoners by furnishing information as to their status and employment. The justice of the peace made no effort whatever to verify the grounds upon which the police officers based their arrest, but arbitrarily and without investigation, without taking any evidence or making any effort to verify the claims of the arrested persons, issued his judicial order for their detention, and we are satisfied that in doing so he acted without reasonable grounds upon which to base his action. If the police officers were to make the arrests at all, it was necessary for them to act promptly upon such information as they had at hand; but there was no such urgent necessity upon the part of the justice of the peace to order the continued detention of the arrested persons without making some investigation. Indeed, he seems to have acted without the slightest regard to his obligations as a judicial officer or to the rights of the arrested persons to be set at liberty in the absence of reasonable grounds for their detention. No reason suggests itself why, at the hour at which they were brought before him, he could not have at least made some effort to verify the truth of their claims.

There is no ground for the belief that in acting as he did, the justice of the peace was actuated by any special malice or illwill toward the prisoners, and the only explanation of his conduct is that he was willfully negligent of their rights, and willing arbitrarily to detain them rather than to take any trouble to verify their claims.

We think the judgment of conviction of the trial court should be affirmed, but we think that the fine, imposed by the trial court in its maximum degree, should be reduced from the sum of 3,250 pesetas to 325 pesetas.

The judgment of conviction, together with the sentences imposed by the trial court in the cases of the appellants Maximo Cuadro and Isaac Demo, is hereby reversed, and these appellants are hereby acquitted of the crime with which they are charged, and, if in detention, will be set at liberty forthwith; if at liberty under bail, their bond is hereby exonerated.

The judgment of conviction of the appellant Jose Batallones is affirmed, but the sentence imposed upon him should be, and is hereby modified by substituting for the fine imposed by the trial court, a fine of 325 pesetas, with subsidiary imprisonment in accordance with law, in the event of insolvency and failure to pay the fine. One-third of the costs of these proceedings in the trial court will be taxed to this defendant. All other costs are hereby declared de oficio. So ordered.

Arellano, C. J., Mapa, Johnson, and Trent, JJ., concur.

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