

THE PEOPLE OF THE PHILIPPINE ISLANDS, PLAINTIFF AND APPELLEE, VS. IMAM AMPAN, SAKILI, MADJABO, SALI AND KANDONG, DEFENDANTS AND APPELLANTS.

G. R. Nos. 40543, 40544. August 16, 1934

Ponente: AVANCEÑA, C.J.

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AVANCEÑA, C.J.:

In a place situated within the municipal district, of Maluso, Province of Zamboanga, the Moros Imam Bok-koh, Imam Licod and Neo were attacked by the Moros Imam Ampan, Sakili, Madjabo, Sali and Kandong. Imam Bokkoh received wounds which caused his death, while Imam Licod and Neo received wounds which required medical attendance for more than thirty days.

Against Imam Ampan, Sakili, Madjabo, Sali and Kandong, two informations were filed, one for homicide for the aggression on Bok-koh and the other for physical injuries for the assault against Imam Licod and Neo. In the case for homicide, the accused were sentenced to fourteen years and one day of reclusion temporal and to jointly and severally indemnify the heirs of Imam Bok-koh in the sum of P500, with costs. In the case for physical injuries, they were sentenced to two years, four months and one day of prision correccional for the physical injuries inflicted upon Imam Licod and to the same penalty for those inflicted on Neo. From these judgments they appealed. During the pendency of this appeal, the accused Sali died, for which reason the case against him was dismissed.

The evidence shows that, prior to the incident in question, there was a controversy over the ownership of a piece of land between the brothers Imam Bok-koh, Imam Licod and Neo, on one side, and the relatives Mora Minga and the accused, on the other. The controversy, which was submitted to the councillor of the district, was decided in favor of the accused. The brothers Bok-koh, Licod and Neo did not agree with this decision and on June 29, 1933, they went to said land, accompanied by Neo's daughter Amsina. While they were gathering therefrom the fruits of a mango tree, the accused, armed with bolos, appeared and attacked them. Sakili assaulted Licod and, as the latter fled, he was attacked by Madjabo. Imam Ampan attacked Bok-koh while the other accused attacked Neo.

The accused Sakili, testifying as witness, assumed all liability for the death of Bok-koh and the physical injuries inflicted upon Licod and Neo, stating that he alone attacked them. The other accused set up an alibi as a defense. The evidence, however, has not sufficiently established these defenses.

In this instance, counsel for the appellants prays that Sakili be declared guilty of the offense of physical injuries committed upon Licod, and that Madjabo and Kandong be acquitted of both charges.

There was conspiracy among all the accused and all of them are equally liable for all the consequences of the aggression. The fact that all the appellants were interested in the controversy over the ownership of the land and were for this reason united in the motive of the aggression, and the circumstance that they all went to the scene of the crime, equally armed with deadly weapons sufficient to produce the effects which resulted from the aggression, and all attacked the three offended brothers, prove the conspiracy beyond reasonable doubt.

With respect to Madjabo, the evidence shows that he in fact attacked Licod. As to Kandong, although the person whom he attacked has not been specified, the evidence likewise shows that, armed like his co-accused, he accompanied them and took part in the aggression, for which reason his liability is the same as that of the others for the consequences of the aggression.

This court, however, takes into consideration the fact that the appellants committed the aggression because they believed themselves to be the owners of the land which was the subject matter of the controversy with the offended parties and that, notwithstanding the councillor's resolution in their favor, the offended parties still went to the land and gathered therefrom the fruits of the mango tree.

Wherefore, all the appellants, with the exception of S'ali who is now dead, are declared guilty of the crimes charged and, taking into consideration Act No. 4103, they are sentenced, in the case for homicide, to the penalty of from six years of prision correccional, as minimum, to twelve years of reclusion temporal, as maximum, and, in the case for physical injuries, to six months of arresto mayor, affirming the appealed sentence in all other respects, with costs. So ordered.

Abad Santos, Hull, Vickers, and Diaz, JJ., concur.

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