

[G.R. No. 1330. March 28, 1904]

THE UNITED STATES, COMPLAINANT AND APPELLEE, VS. ARTURO BALDELLO ET AL., DEFENDANTS AND APPELLANTS.

D E C I S I O N

WILLARD, J.:

On April 14, 1903, a band of about twelve men, among whom were the defendants, armed with daggers and one revolver, led by the defendant Baldello and one Bonifacio, embarked in a passenger steamer at Manila for the town of Guagua in the Province of Pampanga. Having arrived at that town about 12 o'clock of the same day, they attacked the municipal building, overpowered the sentinel, a policeman, took from him his gun and revolver, over-powered the clerks in the offices, and seized four other guns and certain ammunition, which they obtained by breaking open the chest in which it was kept. They attacked and wounded another policeman and took his gun.

On leaving the municipal building they marched through the streets, crying to the people to follow them and attack the Government. The people not only refused to join the party, but, with the policemen of the place, pursued them. A running fight was kept up for some distance, during which two of the party of the defendants were killed and one wounded and five of the pursuers were wounded. The pursuit ended with the capture of the defendants. That this band was part of an organization to overthrow the Government was fully proved. Among other articles seized when the defendants were taken was the seal of the defendant Baldello showing that he was a brigadier-general of the "Reborn Philippine Revolution."

The case is, in all its essential points, the same as the case against Lagnason, just decided,

and is ruled by it.^[1]

The penalty of death imposed upon the defendants Baldello and Alcantara can not, therefore, in accordance with that decision stand. The judgment is reversed, and each one of the defendants is sentenced to ten years of imprisonment and a fine of \$10,000, money of the United States, and to pay the costs of both instances.

Arellano, C. J., with whom concurs *Mapa, J.*, concurring:

I concur as to the penalty imposed in conformity with section 3 of Act No. 292 for the crime of rebellion.

McDonough, J., concurring:

For the reasons given by me in the case of United States vs. Dalmacio Lagnason, I believe that the accused in this case are guilty of the crime of insurrection, defined and punished in section 3 of Act No. 292, in accordance with which they should be convicted and sentenced to ten years of imprisonment and to pay a fine of \$10,000, United States currency, and the costs of the prosecution.

^[1] Page 472, *supra*.

DISSENTING

TORRES, J.:

For the reasons stated in my dissenting opinion in the case of the United States vs. Lagnason, for treason, I am of the opinion that the defendants Arturo Baldello and Daniel Songco Alcantara should be sentenced to life imprisonment and to the payment each of a fine of \$20,000, United States currency, with one-ninth part of the costs. I can not, therefore, concur in the opinion of the majority.

DISSENTING

JOHNSON, J.:

The evidence in this case clearly discloses the fact that the said defendants constituted an armed band, organized for the express purpose of overthrowing the Government of the United States in the Philippine Islands, as constituted in the pueblo of Guagua, in the Province of Pampanga, and that on the 14th day of April, 1903, said band made an organized attempt to carry out this unlawful purpose.

These facts were supported by the testimony of more than two witnesses. The defendants are guilty of the crime of treason, and should be punished under section 1 of Act No. 292 of the Civil Commission. The judge below properly appreciated the facts. He committed no error, and his judgment should therefore be affirmed, with the costs in both instances.

DISSENTING

COOPER, J.:

The defendants should be found guilty of treason as defined and punished by section 1, Act No. 292, and the punishment fixed as is prescribed in said section. This conclusion is based upon the grounds stated in my dissenting opinion filed in the case of the United States vs. Lagnason just decided by this court.

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