

3 Phil. 323

[G.R. No. 1513. February 12, 1904]

**THE UNITED STATES, COMPLAINANT AND APPELLEE, VS. CASIANO SADIAN,
DEFENDANT AND APPELLANT.**

D E C I S I O N

TORRES, J.:

The provincial fiscal of Ilocos Norte filed an information in the Court of First Instance of that province, charging Casiano Sadian, Monico Dada, Roman Dacpo, Basilio Sanchez, and Damian Tabonan with having formed a secret political society, in that during the latter part of June and early in July, 1903, they met together with others in the forests of some of the barrios of the town of Paoay, Ilocos Norte, for the purpose of forming a secret political society entitled "Kanayouan," the purpose of which was to obtain the independence of the Philippines by means of insurrection, treason, and rebellion against the Government of the United States of America in these Islands, this against the provisions of Act No. 292 of the Civil Commission.

The trial having commenced, Ariston Umayam under oath testified that on Sunday, July 5, 1903, upon going to a house belonging to a brother of his in the barrio called Pias, Casiano Sadian, Sergio Sadang, and Sergio Sancali came to the house, and that upon the invitation of Sadang they all went out into a cane field; that shortly after Casiano Sadian arrived and asked the witness if lie desired to join them, and he, being afraid, said that he did. Whereupon, in proof of his affiliation, Casiano made an incision in his forearm and then wrote the name of the witness with his own blood; the witness making his cross under his name; that Sadian then told him that he was to defend his mother country and fight the Americans; that on this occasion Sergio Sadang and the five accused were present, and that they surrounded him, all armed with clubs; that on the following day, the 6th, they took him into the Cabuit forest, and that shortly

after Gavino Umayam arrived in charge of Valentin Butardo, and that they made a similar incision in his arm, he being surrounded by the accused, who were at that time armed with bolos and clubs; that after this operation they went with the witness to Gavino's hut, and while they were eating the latter told the witness in private to go and report the facts to the Constabulary stationed at Badoc, which he did. This witness also testified that Valentin Butardo, as well as Casiano, asked him if he wanted to fight the Americans, and that he, being afraid, said that he did; that the leader of them was Sergio Sadang.

Valentin Butardo testified under oath that the defendants had joined the society or party organized by him and his brother Canuto, and that they did this voluntarily; he identified the documents, translations of which appear in the record—the originals are in other cases. The witness stated that he sought out the accused to induce them to join his party in preparation for the coming presidential elections, and made the incision in their arms to bind the obligation so that they should not abandon him on election day, but denied that he with the others compelled Ariston Umayam and his brother to join the party, and stated that their names were not on the list, that they had not taken the oath, and that it was not true that they had gone through the ceremony of incision.

Sergio Sadang testified under oath that Valentin Butardo was the one who made the incision in the arm of Ariston Umayam when the latter took the oath as a member of the party which they had organized, but immediately afterwards testified that Casiano Sadian was the one who made the incision in Umayam's arm while he, the witness, but not the other accused, was present. Sergio Sancali testified that he did not know whether Ariston Umayam was a member of said party, and only knew by hearsay that the accused were members of it.

The facts upon which the accusations are based, and which have been established by the testimony of a number of witnesses, constitute the crime defined and punished by section 9 of Act No. 292, dated November 4, 1901. The evidence plainly shows that Casiano Sadian, with Valentin Butardo, Sergio Sadang, and others, organized a secret political society for the purpose of fomenting rebellion against the constituted government of these Islands and to obtain the independence of the Islands by means of revolution and war, and that with this purpose in view they endeavored to induce others to join the party and

to increase the number of members, making incisions in their arms and obliging them to take an oath to defend the country and to fight against the Americans. These acts, fully established by the evidence, fall within the provisions of section 9 of the Act.

The facts related do not constitute the crime of conspiracy defined and punished in section 4 of the same Act, as no act of conspiracy falling within that section was committed by the defendants.

Casiano Sadian, the teniente of the barrio of Gaang, plead not- guilty and testified that Ariston Umayam's statements were not true; that he was not present at the time to which this witness referred; that he made the incision in the arm of the witness Valentin Butardo as a sign of fraternity, believing that their purpose in connection with the election of a president was a proper one, and that several other persons went through the ceremony of incision, among them the other accused; that at the time this ceremony was performed an oath was taken to defend the mother country with the last drop of blood; he denied that he had accompanied Valentin Butardo in making incisions in the arms of other persons, and that the only persons who had done this by force and violence were Valentin Butardo, Sergio Sadang, Juan Navarro, and Ruperto Madamba.

Roman Taboan, Roman Dacpo, Monico Dado, and Basilio Sanchez testified that at the instance of Valentin Butardo they joined the party which he and others had formed, and that for this purpose they took, an oath binding themselves to defend the country with their lives, but denied having been present when the ceremony of incision was performed on Ariston Umayam, and that they were unaware that this ceremony was peculiar to the revolutionists. These four defendants did not appeal from the judgment of the court below, and therefore as to them the decision of the court is final, and this appeal is limited to the appellant, Casiano Sadian.

Notwithstanding the denial of the accused Sadian, the evidence of his guilt is more than sufficient. It shows that he was one of the men who organized the secret political society entitled "Kanayouan," and that he was one of those actively engaged in obtaining proselytes among his fellow-townsmen, availing himself of his office as teniente of the barrio and availing himself of the ignorance of his neighbors. For the purpose of organizing the society he acted

with criminal intent, with full knowledge and the determined purpose of fomenting a rebellion against the government in these Islands, and consequently he is subject to the personal and pecuniary penalty established by section 9 of Act No. 292.

Therefore, for the reasons stated, we are of the opinion that the judgment appealed must be reversed in so far as' it concerns Casiano Sadian, and that the latter must be convicted and condemned to one year's imprisonment and to pay a penalty of 2,000 insular pesos, and in case of insolvency to suffer imprisonment at the rate of one day for each 2 1/2 pesos which he may be unable to pay, the subsidiary imprisonment, however, in no case to exceed the third part of the period of the principal penalty, in accordance with the provisions of article 50 of the Penal Code. He is also condemned to the payment of one-fifth of the costs of both instances. The case will in due time be remanded with a certified copy of this decision and of the judgment to be entered hereon. So ordered.

Arellano, C. J., Cooper, Willard, Mapa, McDonough, and Johnson, JJ., concur.
