

2 Phil. 343

[ G.R. No. 1079. July 19, 1903 ]

**THE UNITED STATES, COMPLAINANT AND APPELLEE, VS. EUSTAQUIO DALIGDIG, DEFENDANT AND APPELLANT.**

**D E C I S I O N**

**TORRES, J.:**

This case was brought up in consultation of the judgment of August 26, 1902. While it was pending in this court Mr. Smith, attorney for the defendant, filed a motion asking that his client, Eustaquio Daligdig, be included in the amnesty of July 4, 1902, upon the ground that the crime of double murder was committed while the defendant was a captain in the revolutionary army, and occurred prior to the 1st of May of said year.

The Solicitor-General concurs in this motion, upon the ground that the record discloses that the murders in question were committed by the defendant in the course of the insurrection against the government of the United States established in these Islands, and that they were the result of internal political feuds between the accused and the deceased.

The record of this case shows that one day in the month of February, 1901, the defendant, Daligdig, who was at that time a captain in the revolutionary forces, and two men under his command, arrested two persons, unknown, in the barrio of Manilla, of the town of Langaran, Misamis, and conducted them toward the outskirts of the town; that on the road the defendant ordered his two soldiers to kill the prisoners, which order was carried out, the prisoners being stabbed to death. On the body of each one of the deceased a placard was placed reading, "Traitor to the country." The corpses were left unburied for three days. Several witnesses testified that these men were arrested and killed because they were suspected of being traitors to the revolutionary cause.

Upon the supposition that the belief that these men were traitors was the sole motive which led to the commission of the double crime of murder for which the defendant was

condemned to death—the record containing no evidence whatever indicating that any other motive impelled the defendant to direct the killing of the deceased—it is unquestionable that the murders, perpetrated are of a political character and the result of internal hatreds existing between the two murdered Filipinos and the accused, who was a captain in the revolutionary army, in arms against the government established in the Province of Misamis.

In a normal condition of society the severest punishment is meted out for the odious crime which was committed by order of the defendant. However, considering the circumstances under which these crimes were committed, and the fact that the sovereign power in these Islands, in view of the extraordinary and radical disturbance which, during the period following the year 1896, prevailed in and convulsed this country, and prompted by the dictates of humanity and public policy, has deemed it advisable to blot out even the shadow of a certain class of offenses, decreeing full pardon and amnesty to their authors—an act of elevated statesmanship and timely generosity, more political than judicial in its nature, intended to mitigate the severity of the law—it is incumbent upon us, in deciding this case, to conform our judgment to the requirements and conditions of the decree so promulgated.

In view of the foregoing considerations, we decide that Eustaquio Daligdig is included within the amnesty of July 4, 1902. The judge below Avill be notified of “this decision, and, as soon as the defendant, Eustaquio Daligdig, shall have taken the oath prescribed in the amnesty proclamation, evidence of which Avill be submitted to this court, he will be set at liberty.

*Arellano, C. J., Cooper, McDonough, and Mapa, JJ., concur.*

*Willard, J., dissents.*