

[G.R. No. 1943. April 17, 1905]

**THE UNITED STATES, COMPLAINANT AND APPELLEE, VS. BENITO SANTA ANA,
DEFENDANT AND APPELLANT.**

D E C I S I O N

TORRES, J.:

Benito Santa Ana, who with others was charged by the provincial fiscal of Bulacan with the crime of *bandolerismo*, asked the court to be tried separately from his codefendants, in accordance with the provisions of section 33 of General Orders, No. 58. This request being granted, the provincial fiscal filed, on February 11, 1904, a new complaint charging said Benito Santa Ana with the crime of *bandolerismo*. It was stated in the complaint that after November 12, 1902, the defendant, together with Luciano San Miguel, Ciriaco Contreras, Apolonio Samson, and others, in Bulacan, Province of Bulacan, formed a band of more than three persons provided with deadly weapons, which band roamed about the country for the purpose of stealing carabaos and other personal property by means of force and violence, contrary to law.

The case having come on for trial by virtue of said complaint, the court, in a judgment rendered April 6 of said year, sentenced the defendant to the penalty of twenty-five years' imprisonment and to pay the costs, from which sentence the defendant appealed.

From the evidence adduced during the trial it appears that Benito Santa Ana, a resident of San Fernando de Dilao, Manila, took part in the insurrection against the former Government, but on January 12, 1901, being in prison, he took the oath of allegiance to the present Government before an officer of the Army and obtained his liberty. That some months afterwards in the same year, and through fear that he should be imprisoned again, he returned to the mountains and there he joined the band of Apolonio Samson. All this appears from the testimony of the defendant in a document to be found at page 95 of the record, dated June 15, 1903, and which has been presented as evidence for the prosecution.

It also appears that the defendant, Santa Ana, was a member of a numerous band commanded by Luciano San Miguel, together with said Samson, Ciriaco Contreras, Julian Santos, and Faustino Guillermo, and a great many more, armed with Remington rifles, revolvers, and other deadly weapons. That in 1903 he was with the band of Julian Santos, the members of which attacked the Constabulary in the mountains of Bagbag and took possession of their provisions. That the individuals who formed the numerous band of San Miguel, sometimes all together and at other times divided up, invaded the towns of Cainta, Antipolo, Bosoboso, and Pasig and there stole goods and provisions belonging to several private individuals and also robbed the quarters of the Constabulary in some of said towns. They also stole rice, food, provisions, cigarettes, and cigars in the towns of Taytay, Santa Rosa, and in the places called Corral-nabato, Pintong-bato, and Bagbaguin. That the band commanded by Santa Ana also devoted itself to taking people prisoners, as in the case of one Pedro de la Cruz, of the town of Angat, of whom they demanded money and rice. They also took Mariano de la Cruz prisoner, and stole from his home clothing, hats, rice, and shoes; also one Santos Ramos, and after capturing him because he was a census employee, they took from him the rice which he was carrying. It also appears that the individuals who were under the command of Santa Ana were devoted to taking rice from travelers whom they found on the highways, and that in order to increase the number of the band the defendant and his companions took as prisoners the peaceable inhabitants, inviting them to join and form part of said band.

From these facts it appears fully proven that the numerous band of the late Luciano San Miguel, although it had been organized seemingly with a political character and end, yet its members, in divisions more or less numerous, after November 12, 1902, devoted themselves to robbery, pillage, and to all kinds of crimes and depredations, invading towns, raiding houses of peaceful inhabitants and the quarters of the Constabulary, and taking people prisoners for the purpose of obtaining ransom for same, all of which proceedings constitute the crime of *bandolerismo* provided for and punished by Act No. 518.

It appears perfectly proven in this case that Benito Santa Ana was one of the subchiefs of said band, and while he did not at first join Apolonio Samson's division, yet he commanded another division which was a part of the same band; and apart from the fact that this band was sometimes united to the great mass of brigands, it attacked the houses of inhabitants of several towns in the Province of Rizal, robbing them of money and goods. Santa Ana's band was also devoted to pillage, robbery, and the sequestration of people whom they held for ransom, and assaulted unfortunate travelers in the country, depriving them of rice and other provisions which they carried. It is, therefore, undeniable that the defendant is guilty of the

crime of *bandolerismo* and has incurred the penalty provided for in section 1 of said act. Notwithstanding the plea of not guilty entered by the defendant, the evidence for the prosecution in this case produces on the mind a clear conviction of his guilt as a brigand. The evidence for the prosecution neutralizes, if it does not entirely destroy, the defense.

By virtue, then, of the reasons above stated, and of those stated by the court below in its judgment, we are of the opinion that the latter should be affirmed with the costs *de officio*. This case to be returned to the court of its origin, together with a certified copy of this decision and of the judgment which shall be rendered in accordance herewith. So ordered.

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