

3 Phil. 654

[ G.R. No. 1573. April 12, 1904 ]

**THE UNITED STATES, COMPLAINANT AND APPELLEE, VS. TOMAS DE GUZMAN,  
DEFENDANT AND APPELLANT.**

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

**JOHNSON, J.:**

The defendant was charged with the crime of *bandolerismo*. He was tried in the Court of First Instance of the Province of Bataan on October 7, 1903, and was sentenced to be imprisoned for the term of thirty years, and to pay the costs of the suit.

Victor Santos, a witness on behalf of the prosecution, testified that he knew the defendant; that he was commandant of a band of bandits; that Eulalio Bundoc, Miguel Labrador, and Candido Dilma, together with others, were his soldiers; that the defendant and his soldiers, or the other members of his band, always carried arms; that they were opposed to the Government and built trenches for the protection of themselves near the pueblo of Bagbag; that the said band sustained itself by robbing.

Silvestre Sangalang testified that he was a corporal of the Constabulary, and knew the accused; that the accused and his companions constituted a band of *tulisanes*, and that the band lived by robbing; that it compelled the people to give it food and supplies by force and intimidation, and that said band always went armed.

Vicente de la Peña testified that he knew the accused and assisted in arresting him; that he was chief of a band of *tulisanes*; that said band always went armed with deadly weapons, and was dedicated to robbing carabaos and other personal property.

Canuto Mariano testified and stated that he knew the accused, and that he and his companions entered certain barrios and demanded food; that the band was composed of nine or more persons, and always went armed; that the people gave them food under threats which were made by the members of the said band and because of the fear that the people had of the said band.

Florentino Andres testified that the accused, with his companions, stole his banca; that he recovered his banca later through the Constabulary, and that the defendant and his companions always went armed.

Henry Knauber testified that he was an inspector of the Constabulary, and knew the accused; that the accused and his band took part in the fight between the Constabulary and the band of ladrones on March 20, 1903, at Corral-na-Bato; that the accused and his band were under the command of General San Miguel; that the accused and his band committed various robberies in the barrio of Cabcaben.

The prosecution introduced in evidence a document captured by the Constabulary during the fight between the Filipino scouts and the band of ladrones under the command of General San Miguel on March 27, 1903. This document contained the names of a large number of persons, together with their rank and title. Among the names given appear the names of many persons heretofore sentenced by this court for the crime of *bandolerismo*. The defendant's name appears in the said list as a member of the said band. A certificate is also attached to the said document, signed by Saturnino Pascual, who signs himself "The Colonel Chief Organizer," who certifies that "in acknowledgment of the services rendered to the mother country by Señor Tomas de Guzman I hereby authorize him to organize troops in the jurisdiction of Bataan, one of the provinces of this Tagalog land.

" Wherefore, I request every one of the sons of the people to recognize the said senior and show him due respect, obeying

his orders whenever they are lawfully issued,

" Issued at these organizing headquarters this 26th day of November, 1902."

Another certificate, signed by the same Saturnino Pascual, contains the following statement:

" *Republican Army of the Philippines, Bulacan Brigade, Third Battalion of regular forces:*

"

In acknowledgment of the good character and services rendered to the mother country by Senor Tomas de Guzman, I hereby appoint him captain paymaster of the regular infantry, to take effect from this date.

"

Wherefore, I advise all military and civil officials to recognize him and show the respect due his rank, and obey his orders whenever they are lawfully issued and in accordance with the authority of his office.

" Issued at these Third Battalion Headquarters this 26th day of November of 1902."

The defendant offered no proof in his own behalf.

The facts adduced in open court in this case justify the following conclusions:

First. That Tomas de Guzman was a member of an armed band, composed of more than three persons;

Second. That said band was armed with deadly weapons, and went out upon the highways and roamed over the country for the purpose of robbing carabaos and other personal property;

Third. That the band committed various acts of robbery by means of threats and violence.

Therefore, we do hereby find the defendant guilty of the crime of *bandolerismo* under Act No. 518 of the Civil Commission, and do hereby confirm the judgment of the court below. So

ordered.

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

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