

3 Phil. 309

[G.R. No. 1444. February 04, 1904]

THE UNITED STATES, COMPLAINANT AND APPELLEE, VS. SEVERO ALCANTARA ET AL., DEFENDANTS AND APPELLANTS.

D E C I S I O N

JOHNSON, J.:

The accused were charged with the crime of *bandolerismo*. They were tried in the Court of First Instance of the Province of Rizal on the 6th day of April, 1903. When they were arraigned before the Court of First Instance of the Province of Rizal, Bernardo Gomez plead guilty to the charge and was then and there sentenced to be imprisoned for the term of twenty years and to pay the costs of the said suit. At the conclusion of the trial Severo Alcantara and Ramon de Jesus were each found to be guilty of the crime charged in the complaint and were sentenced by the court: Severo Alcantara to be imprisoned for the term of forty years and Ramon de Jesus for the period of twenty years. Ramon de Jesus moved for a new trial, which new trial was granted on the 29th day of April, 1903.

At the conclusion of the new trial on the 17th of July, 1903, the court found Ramon de Jesus guilty of the crime charged and he was again sentenced to twenty years of imprisonment. The evidence adduced in the trial showed that Severo Alcantara, Ramon de Jesus, and Bernardo Gomez were captured on or about the 8th day of February, 1903, during a light which took place between the Constabulary of the Province of Rizal and the forces of General San Miguel, in or near Corral-nabato. The evidence shows that the companions of San Miguel numbered from 300 to 400 armed men. These men were armed with bolos and guns and were under the command of General San Miguel. The evidence showed that the band had frequently visited the barrios and pueblos in and near the Corral-nabato for the purpose of robbing and also for the purpose of compelling the people therein to

pay tribute to them. The evidence shows that as a result of the fight General San Miguel and his forces were driven out of the corral and many documents were found signed by Julian Santos and others, which clearly showed the unlawful existence of the band. It was shown that these documents had been signed by Julian Santos, by a person who was familiar with his handwriting. The evidence shows that during the fight two members of the Constabulary, one officer and one soldier, were killed. The evidence clearly shows that San Miguel was present and took part in the fight.

The defendant Ramon de Jesus swore in his own behalf and said that he was a laborer, was more than 40 years old, and had lost one hand by an accident some years before. He said that he had been sequestered by General San Miguel's band because of the fact that they supposed him to be a secret officer of the Americans. This testimony was not believed by the court below.

Severo Alcantara also testified in his own behalf and stated that he had been a prisoner in the provincial jail of the Province of Rizal charged with the crime of murder and had escaped and had gone to his home, where he was sequestered by the members of San Miguel's band. He claimed that at the time of the attack he was not a member of the band nor connected with it in any way, but simply happened to be mixed up with it at the time of the engagement between it and the Constabulary. He was trying to run away from that place at the time he was captured.

In the new trial of Ramon de Jesus an attempt was made again on the part of the defendant to prove that he had been sequestered. His wife was called as a witness and she testified that her husband had been carried away by some persons whom she did not know. She could not remember the date nor the month when this fact took place. The court below found this evidence was not to be believed. The court below saw and heard the witnesses, and we find no reason for taking a different view of facts.

Prudencio Zalazar was also called as a witness for the defense in the new trial and testified that Ramon de Jesus had been sequestered by some persons in the month of February last. This, however, was contrary to the statement of the wife and certainly was not considered as having any weight by the trial court. The evidence in the foregoing case justifies the following conclusions:

1. That a band of armed men existed in the Province of Rizal, composed of from 100 to 400 men.
2. That said band was armed with guns and bolos.
3. That said band was organized for the purpose of robbing personal property.
4. That said band did, at various times, go out upon the highways and rob personal property.
5. That the said accused were members of the said band at the time of their arrest

Therefore the sentence of the court below is hereby affirmed with the costs of both instances.

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