

[G.R. No. 1060. March 26, 1903]

THE UNITED STATES, COMPLAINANT AND APPELLEE, VS. GUILLERMO LAUREAGA ET AL., DEFENDANTS AND APPELLANTS.

D E C I S I O N

TORRES, J.:

About 8 o'clock p. m. on the 16th of June, 1902, the defendants, Guillermo Laureaga, Damaso Jose, Domingo Paseual, Andres Pascual, Marcos Peralta, and Eulalio de Ocampo, of whom the latter died subsequently of cholera, one of them armed with a gun and the others with bolos, went to the barrio of Quinamatayan-Cabayon, in the town of San Miguel de Mayumo, and proceeded to kidnap from their respective houses Luis Ramos, Francisco Ramos, Elias de los Santos, Clemente Beltran, Meliton Mallari, Inocencio David, Mauricio Ventura, Felix de los Santos, Agustin Maniquis, and Aniceto de los Santos. These people were taken by the accused to the town of Gapang, of the Province of Nueva Ecija. The persons kidnaped were not informed of the cause of their detention. Their aggressors were not officers or agents of the authorities. On the road, in the course of an hour, the greater part of the persons kidnaped were released, only three of them, named Agustin Maniquito, Luis Ramos, and Aniceto de los Santos continuing to be deprived of their liberty. The sequestration of these continued until 8 o'clock at night on the following day, at which time they were found in the barrio of Sania Cruz in the town of Bulacan, by Constabulary Inspector Jose Reyes, who set them at liberty, and captured the gun which was in possession of one of the accused.

The five defendants upon being arraigned pleaded not guilty. Two of them, Domingo Pascual and Guillermo Laureaga, who were recognized by four of the persons kidnaped, alleged that they knew nothing about the facts alleged against them. Notwithstanding the denial of the defendants, and especially that of the two last referred to, four eyewitnesses testified that Laureaga was one of the kidnapers, and two witnesses also testified that the other

defendants, Diimiiso Jose, Domingo Pascual, Andres Pascual, Marcos Peralta, and Eulalio Ocampo accompanied Laureaga.

The commission of the crime of illegally detaining ten persons is therefore an unquestionable fact. The purpose which the defendants had in committing this offense against personal liberty does not appear. The detention of those who were longest held by the prisoners exceeded twenty-four hours. Therefore the offense which the record shows to have been committed falls within the last paragraph of article 481 of the Penal Code. The five defendants here present, together with the deceased, Ocampo, are the proven authors by direct participation of this crime. The aggravating circumstances of noctivrnity being present, and no mitigating circumstance concurring, the defendants should be sentenced to the maximum period of the penalty of jmsion correctional in its minimum and medium degrees. The judgment appealed should therefore be affirmed.

With respect to the defects which, according to the counsel for the defendants, exist in the information filed against them by the provincial fiscal, these defects are not of substance, nor do they affect any of the essential rights of the accused, but are merely defects of form. Therefore the information is sufficient, and no error exists for which the judgment should be annulled, The information is sufficiently explicit to enable one to immediately understand that the crime was committed within the jurisdiction of the Court of First Instance of Bulacan, within whose territory lies the town of San Miguel de Mayumo; that the offense charged in the information is the crime of illegally detaining the ten persons mentioned, committed at one time, in the same place, and by the six accused, who committed this crime jointly by common agreement, and perhaps with some purpose common to all of them, but which, however, has not been made to appear. Furthermore this objection was not raised in the court below by the defendants. It further appears from the information that the crime was commenced and consummated in the Province of Bulacan, and continued in Nueva Ecija, to which province three of the prisoners were taken and there subsequently released by an officer, the other seven persons having been previously released on the road. The character of the crime, complex by the number of the aggressors and of the persons injured, is not affected by the fact that its commission was continued in a different district. This is an offense which requires a successive and continued execution duping a more or less lengthy period of time. As the information charges that the persons guilty of the offense in question were not officers, the burden was upon the defendants to prove that they were invested with authority to arrest the complainants.

In view of sections 5, 6, and 10 of General Orders, No. 58, dated April 23, 1900, and for the

reasons stated, we are of the opinion that the judgment appealed should be affirmed, with the costs in equal parts against each of the surviving defendants. So ordered.

Arellano, C. J., Cooper, Willard, Mapa, and Ladd, JJ., concur.

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