

G.R. No. 1026

[G.R. No. 1026. December 15, 1902]

THE UNITED STATES, COMPLAINANT AND APPELLEE, VS. VICTORINO CORREA ET AL., DEFENDANTS AND APPELLANTS.

D E C I S I O N

COOPER, J.:

This is an application for amnesty on behalf of Victorino Correa, Alejo Correa, Martin Langursay, Leandro Monte, and Romualdo Monte.

These men were tried before the Court of First Instance of Ilocos Norte charged with the murder of Pablo Yungat. The first four were found guilty as principals, and were sentenced to life imprisonment, and Romualdo Monte was found guilty as an accomplice and sentenced to twelve years and one day. The accused appealed to the Supreme Court, and counsel for defense has presented a motion for the application to them of the amnesty proclamation of July 4 last.

The facts in the case as established by the evidence are as follows :

Victorino Correa, who seems to have been the leader of the gang, sent word to the deceased that they were going to barbecue a pig, and invited him to be present at this *fiesta*. The deceased, accompanied by the person who had given him the message, arrived at the house of Correa, and upon his arrival there he was seized by Leandro Monte and Martin Langursay, and at the same time was struck on the head by a stick wielded by Alejo Correa. Yungat was then tied up elbow to elbow and ankle to ankle. After he was tied he implored Alejo Correa to pardon him, whereupon the latter asked the deceased where he had put the ring which he had taken, to which the deceased replied that he knew nothing' of it. Upon this Leandro Monte seized a piece of cane which he trust between the feet of Yungat, assisted by Martin Langursay, and then having fastened the body of Yungat to the same pole they carried him away and buried him.

it appears that the deceased, who was in a dying condition while he was being tied, expired as he was being carried away by the accused. His body was buried in the woods some distance from the scene of the murder.

The evidence for the prosecution rests upon the testimony of three witnesses, two of whom were present at the killing, and one of whom was an eyewitness to the burial. Their testimony is corroborated by that of the person who states that he conveyed the message from Victorino Correa to the deceased, but he did not personally see the killing, he having been hastened out of the way by one of the accused and kept out of sight until after the body of the deceased was disposed of. He testifies to having seen blood around the place, and also testifies to seeing the accused return from the woods alone.

The defense rested entirely on an *alibi*. The accused all swore that they knew nothing of the killing until some time after the date specified as the time of its commission, and most of them testified that they did not know and had never heard of the deceased. Several witnesses were called in support of the defense and gave the usual *alibi* testimony.

During the entire trial of the case nothing was brought out to indicate in the slightest degree any motive for this offense other than that indicated by the demand made upon the deceased for the return of the ring above referred to. The motion for amnesty made on behalf of the defense rests upon the theory that these accused were revolutionary soldiers, and that the deceased was killed by reason of political differences existing between him and his slayers. The only thing tending in any way to show that the accused were in the revolutionary army is an anonymous letter which was picked up by the widow of the deceased some time after his death, in which she was told that it was useless for her to continue to look for her husband as he had been killed by "Victoriano Correa, Alejo Correa, Martin Langursay, Tilo Correa, Anastasio Munos, Alejandro Monte, and Apolinario Castro, who are insurgents engaged in recruiting companies, and any person who refuses to follow them is killed; therefore, as soon as you receive this letter denounce the killing to the authorities, so that their intention to kill people may be frustrated; if they are tortured they will tell the truth; I do not sign my name because my life will be in peril."

Upon the receipt of this information complaint was filed by the widow and the accused arrested, but in the trial of the case this letter was not introduced, nor was any evidence whatsoever adduced tending to show that the killing was in any way connected with the revolution.

The application for amnesty must be overruled, which is accordingly done.

Arellano, C. J., Torres, Smith, Mapa, Willard, and Ladd, JJ., concur.

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