

1 Phil. 473

[G.R. No. 985. November 10, 1902]

THE UNITED STATES, COMPLAINANT AND APPELLANT, VS. ANACLETO SANTILLANA ET AL., DEFENDANTS AND APPELLEES.

D E C I S I O N

WILLARD, J.:

On September 7, 1899, Don Juan Carballo y Blanco was killed in a camarin on his hacienda in the Province of Negros Occidental by a band of men armed with rifles and bolos. Three days afterwards the head of Don Juan, wrapped in a sack (*bayan*), was found suspended from the bridge in the pueblo of Silay. Upon the outside of the sack was this inscription: "*Juan Carballo, hombre pernicioso a la revolucion. E. P. D. (Juan Carballo, a bad man for the revolution. R. I. P.)*"

Don Juan Carballo was killed by reason of a written order issued by a council of war convened by the revolutionary forces then operating in that province. The officer then in command of these forces was Luis Ginete. Before this council of war the defendant acted as judge-advocate. According to the testimony in this case, the decision of the council was that Don Juan be brought before them for trial. The charges against him were that he was a spy and guide of the Americans. The order provided that in case of resistance he should be killed. This order the defendant delivered to the persons charged with its execution. There was no attempt made to arrest Don Juan. He was attacked and killed without warning.

The defendant was tried for the murder of the deceased and was acquitted. The provincial fiscal appealed. In this court the Solicitor-General asks that the defendant be discharged on the ground that he is included in the amnesty of July 4, 1902. While the defendant has asked us to pass upon the merits of the case, yet he also asks the benefit of the amnesty and has filed here the oath required by the proclamation.

His case is clearly within its terms. He was participating against the United States in the

revolution. He was acting pursuant to the orders of his superior, Luis Ginete. The killing of Don Juan Carballo was an offense of a political character. (United States vs. Vicente Villamor, August 29, 1902.) Upon its facts the case at bar is practically the same as the case cited. Under the circumstances we do not feel called upon to decide this case on its merits. Such a decision would involve the determination of questions concerning the status of Filipinos engaged in the revolution, and their liability, civilly and criminally, before the courts for acts committed in the prosecution of that revolution. These questions are of such importance that they ought not to be decided in a case where such a decision is unnecessary. The defendant was acquitted below, and a holding that he is included in the amnesty in no way prejudices his rights.

Therefore, assuming, without deciding, that he is legally responsible for the killing of Don Juan Carballo, we hold that he is included in the amnesty. He having filed the oath required thereby, the case is dismissed.

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