

3 Phil. 432

[G.R. No. 1543. March 19, 1904]

THE UNITED STATES, COMPLAINANT AND APPELLEE, VS. BENITO VEGARA ET AL., DEFENDANTS AND APPELLANTS.

D E C I S I O N

JOHNSON, J.:

The defendants here were charged with the crime of insurrection. It is charged that the defendants, together with others, between the months of May, 1902, and June, 1903, had been inciting, setting on foot, and engaging in an insurrection against the authority of the United States in the Philippine Islands.

The evidence of various witnesses was taken in the trial of the said cause. Several of these witnesses testified that the defendants, and each of them, in the months of February and March, 1903, were organizing and did organize a society commonly known as the "Katipunan Society." Several witnesses also testified that the object of the Katipunan Society was to organize Filipino soldiers, and that the end and purpose of the said organization was against the United States Government in the Philippine Islands.

The evidence further shows that the defendants, and each of them, solicited various persons to become members of the said organization. The evidence further shows that the said Katipunan Society held various meetings in the house of one Manuel Ruiz, and in the house of Manuel Sandico.

It was shown also during the trial in the court below that these defendants were officers in the said society. The evidence further shows that the defendants, as chief officers of

the said Katipunan Society, appointed various persons to the positions of captains and captains of cavalry, and majors; that these captains and majors were given charge of sections or districts of country over which they were to exercise jurisdiction; that the said society possessed a seal with the inscription "Republica Universal Democrata Filipina, Union, Patria, Fuerza." The evidence further shows that the said defendants, and each of them, at various times in the months of February and March, 1903, solicited funds from the people of the pueblo of Mexico, in the Province of Pampanga, P. I.

The defendants attempted to prove that they were organizing a new, independent Filipino church, known as the Aglipayan Church, and that the money which they were collecting was for the purpose of furthering the interests of this new, independent church. This latter fact, in the judgment of the court, was not established.

The fact that the defendants were not attempting to organize a religious society, and that the money which they were collecting was to be used for that purpose is disproved by their own acts and conduct. The defendants admitted that when they received word that the public authorities were investigating their conduct with reference to the society which they had organized and the purposes for which they were collecting the money, they immediately left their homes and went into the mountains and remained in hiding from about the 31st day of March, 1902, until the 24th day of May of the same year. There certainly could be no object in the defendants leaving their homes, going into the mountains, and remaining in hiding for the larger portion of two months to avoid the public authorities if their purposes in organizing the said society and the collection of the said money had been legitimate.

The defendants were charged as having violated section 3 of Act No. 292 of the United States Philippine Commission. This section provides;

"Every person who incites, sets on foot, assists, or engages in a rebellion or insurrection against the authority of the

United States * * * shall, upon conviction, be imprisoned for not more than ten years and be fined not more than \$10,000."

From the evidence adduced in this case we are of the opinion that the said defendants are guilty, not of inciting, setting on foot, or assisting or engaging in rebellion, but rather of the crime of conspiring to overthrow, put down, and destroy by force the Government of the United States in the Philippine Islands, and therefore we find that the said defendants, and each of them, did, together with others, in the months of February and March, 1903, in the Province of Pampanga, Philippine Islands, conspire to overthrow, put down, and to destroy by force the Government of the United States in the Philippine Islands.

The Court of First Instance, which tried the said defendants, imposed upon Benito Vegara the penalty of six years of imprisonment and \$5,000 fine, and upon Cristino Ongton the penalty of four years' imprisonment and \$2,000 fine, and that each should pay one-half the costs. Inasmuch as those who are guilty of a conspiracy to put down or destroy by force the Government of the United States in the Philippine Islands may be punished in accordance with the penalty imposed in this case by the court below, it is the judgment of this court that the judgment of the court below be affirmed as to the penalty imposed, and that Benito Vegara be imprisoned for the period of six years and to pay a fine of \$5,000, and that Cristino Ongton be imprisoned for the period of four years and to pay a fine of \$2,000, and that each shall be adjudged to pay one-half the costs of both instances.

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