

2 Phil. 345

[ G.R. No. 579. July 24, 1903 ]

**THE UNITED STATES, COMPLAINANT AND APPELLEE, VS. TEODORO PACHECO ET. AL., DEFENDANTS AND APPELLANTS.**

**D E C I S I O N**

**TORRES, J.:**

One afternoon in the month of April, 1900, after the celebration of Holy Week, Guillermo Balderrama and the lad Eusebio Flor Bago were walking along the road from the town of Dagupan to the barrio of Carael, Pangasinan. On reaching a bridge in the barrio referred to, several men, among whom were the petitioners, sprang out upon and stopped them. Balderrama was bound and immediately conducted to the interior of a nipa plantation, about 100 feet from the place of the assault, where he was put to death and buried. The lad Bago was conducted to the house of Andres de Guzman, from which, at 7 o'clock in the evening of the same day, he was carried to the bank of the Manat River. Here he also was seriously wounded, and was thrown into the river.

It appears from the record that the two deceased had come from Zambales, and were going about in the town of Dagupan selling English dictionaries; that on the afternoon in question they had come from the house of Ynocencio Fernandez, situated in Dagupan; that, according to the testimony of several witnesses, the accused, who were then insurrectionists, Teodoro Pacheco being a recruiting captain, seized and killed the deceased because it was supposed, since they sold books written in English, that they were spies of the Americans, this presumption or belief being also testified to by several witnesses.

It does not appear from the record that the aggressors were impelled to kill the deceased by any motive other than that the latter were suspected of being spies and, therefore, traitors to the revolutionary party to which the defendants belonged. From the foregoing statement of facts, it may therefore be said that the two murders prosecuted herein were of a political character and the result of internal political hatreds between Filipinos, the defendants

having been insurgents opposed to the constituted government.

The case has to do with two crimes for which, under the penal law, the severest punishment has always been inflicted. However, considering the circumstances under which these crimes were committed and the fact that the sovereign power in these Islands, in view of the extraordinary and radical disturbance which, during the period following the year 1896, prevailed in and convulsed this country, and prompted by the dictates of humanity and public policy, has deemed it advisable to blot out even the shadow of a certain class of offenses, decreeing full pardon and amnesty to their authors—an act of elevated statesmanship and timely generosity, more political than judicial in its nature, intended to mitigate the severity of the law—it is uncumbent upon us, in deciding this case, to conform our judgment to the requirements and conditions of the decree so promulgated.

In view of the foregoing considerations, we decide that the above-named accused, Felipe Abalos, Teodoro Pacheco, Cristobal Tenoliar, Esteban Pacheco, and Mariano Gonzalo, are included within the amnesty of July 4, 1902. The judge below will be notified of this decision, and, as soon as the defendants shall have taken the oath prescribed in the amnesty proclamation, evidence of which will be submitted to this court, they will be set at liberty.

*Arellano, C. J., Cooper, McDonough, and Mapa, JJ., concur.*

*Willard, J.;*

I dissent from the foregoing opinion with respect to the defendant Pacheco, but concur as to the others.

Defendants entitled to amnesty.