

[G.R. No. 590. October 10, 1902]

THE UNITED STATES, COMPLAINANT AND APPELLEE, VS. ISIDRO GUZMAN ET AL., DEFENDANTS AND APPELLANTS.

D E C I S I O N

TORRES, J.:

This case, tried in the Court of First Instance of Isabela on a charge of murder, was pending in this court on appeal taken by the accused, Isidro Guzman and Jose Guzman, against the judgment of January 6 of this year by which they were convicted and condemned to life imprisonment, payment of damages, and costs.

On July 11 last Mr. W. A. Kincaid, counsel for the accused, filed a motion praying that the two accused be given the benefits of a general amnesty proclaimed by the President of the United States on July 4 last, and that the case be dismissed with the costs *de officio*.

Counsel for the accused alleged that upon grounds of prudence and humanity, with a view to the establishment of peace and order and to promote the loyalty of the Filipino people to the sovereignty of the United States, the American Government, as a political measure, on the memorable Fourth of July, the anniversary of the independence of the United States, granted a full and general amnesty for the benefit of all Filipinos who took part in the insurrection against the Government of Spain, and who had committed during such revolution acts in violation of law, as also in favor of persons guilty of crimes which were the result of internal political feuds or of dissensions between the Filipinos and Spaniards or the Spanish authorities during that insurrection; that in the judgment below certain facts were found which, if true, would constitute a crime resulting from political hatred between the accused and the deceased, Piera, and committed in the course of the said insurrection; that for these reasons the crime of murder of which they are charged and of which they have not yet been convicted, is clearly within the amnesty, whatever might be the punishment they might deserve, it being the will of the sovereign power that these offenses be remitted and

their presumptive authors pardoned, they being Filipinos.

This case involves a most heinous crime committed on the person of Salvador Piera, lieutenant in the Spanish army, under greatly aggravated circumstances, the crime having been committed about the end of September or the beginning of October in 1898 by order of Simeon Villa, at that time a major in the revolutionary army and commanding officer of the forces occupying the district of Isabela.

A few days after Simeon Villa arrived at Ilagan as major of troops of the Filipino revolution he telegraphed Colonel Tiron, then in Aparri, to send Piera to him, the latter being at that time a prisoner of the revolutionary forces, in order to take Piera's deposition; this Villa did, according to the accusers, at the instigation of Dimas Guzman, whose purpose it was to take revenge upon Lieutenant Piera, who was judge in a military prosecution which in 1897 was brought against Guzman on political grounds, by which reason the latter was a bitter enemy of Piera and of others who had taken part in the said prosecution ; that, therefore, Guzman intended to revenge himself upon various Spaniards, and as soon as he became aware of the proximity of the Filipino revolutionary forces, Guzman went out to meet them, and subsequently some of the revolutionary officers were lodged in the house of the Guzman family, Dimas Guzman being possessed of great influence with the people by reason of his social standing and the abnormal condition of affairs.

As soon as Lieut. Salvador Piera arrived at the house in which Major Villa resided, the latter and the accused, Isidro and Jose Guzman, beat and kicked Piera, clubbed him with their guns, and then, having tied his arms behind his back, hung him from the roof of the parochial residence, letting him fall to the ground from time to time until he died, they subsequently burying his body in a hole which to that end had been dug near the said house.

No matter how odious and repugnant may be the crime of which the unfortunate Salvador Piera was the victim, and who, as a prisoner of war, was under the protection of the laws of war and of international law, for which reason the party or parties guilty of his horrible death have violated those laws and were subject to the heaviest penalties, from the moment in which the sovereign power of the territory in which the crime occurred saw fit to decree a remission and forgetfulness of a certain class of offenses, blotting out even the shadow of crime for reasons of state and motives of humanity, obedience to the will of the sovereign is compulsory and must result in the final dismissal of prosecutions instituted for the punishment of crimes expressly included within the amnesty proclaimed.

After a long and profound disturbance which has caused a moral, material, and radical upheaval of the Filipino people, and in view of the fact that during the revolution crimes due to or characterized by political passions have been committed, the amnesty proclaimed on July 4 last constitutes an act of policy, of wise prudence, and well-timed generosity, freely exercised by the President of the Union for high political motives for the purpose of tempering or mitigating the rigor of the law, following the dictates of common sense and a humane conscience, based upon the fact that society would suffer more by the execution of the penalty than by allowing crimes committed under the impulse of partisan spirit and agitated, passions to go unpunished.

The record shows that the accused, Isidro and Jose Guzman, took part in the rebellion against the Spanish Government, and that they were officers of the revolutionary army and rendered services thereto, and also, passing upon the responsibility of the accused, that the murder of Lieutenant Piera was the result of political hatred and of dissensions between the accused, especially those of the Guzman family and the deceased—political hatreds which were the general rule between Spaniards or agents of the Spanish Government and the Filipinos. This is shown by the proceedings had in the case, and for these reasons and in accordance with the spirit, letter, purpose, and object of the decree of amnesty it is unquestionable that the said Jose and Isidro Guzman are properly included within its scope.

The words “When the Bastille fell, the day arrived for the settlements of accounts,” “Now you will give me satisfaction,” and “Now we are even,” addressed to the dead body of Piera and attributed by various witnesses to the accused, Jose and Isidro Guzman, among others, show that between the latter and the deceased, Piera, there existed enmity, hatred, and malice, and confirm the statement above made.

It is true that murder pertains to the class of common crimes, but it is also true that the murder in question was committed in violation of the laws of war, and in consequence of hatred and dissensions between Filipinos and Spaniards or authorities and officers of the Government of Spain, which arose from acts and feuds of a political nature; and that, therefore, notwithstanding the cruel and inhuman manner in which the unfortunate Piera was assassinated, there is no well-grounded reason to be deduced from the text of the said proclamation which can reasonably prevent the application of the amnesty in favor of the petitioners without misconstruing the meaning and high design of this sovereign disposition, which, under the circumstances then prevailing in the country, is an act of justice political rather than judicial in its nature.

Upon these considerations we are of the opinion that justice requires that the accused, Isidro and Jose Guzman, be declared to be included within the amnesty of July 4 of this year and entitled to enjoy its benefits; orders will, therefore, be given the judge of First Instance of Isabela, in order that after the taking of the oath prescribed as a condition in the said decree of amnesty the accused be immediately set at liberty, with directions to the judge to transmit the record of his proceedings in fulfillment of this order together with the original oaths, and upon their receipt let the court be informed thereof. So ordered.

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

Justices *Smith* and *Mapa* did not participate in the hearing of this motion.
