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[G.R. No. 539. April 01, 1902]

**THE UNITED STATES, COMPLAINANT AND APPELLEE, VS. JUAN RAMOS ET AL.,
DEFENDANTS AND APPELLANTS.**

D E C I S I O N

MAPA, J.:

The evidence introduced in this case fully convinces the mind that the accused inflicted several wounds upon Ambrosio Macaraeg, who died shortly after in consequence thereof, and that the accused perpetrated the crime treacherously (*alevosamente*).

The court below classified the facts as constituting the crime of murder, and stated that the guilt of the accused as principals was proven, and that in the commission of the crime aggravating circumstance No. 20 of article 10 was present—that is, the commission of the crime in the dwelling house of the injured person. In consequence he condemned Fermin de la Cruz to life imprisonment (*cadena perpetua*) and Juan Kamos and Bartolome Ramos to death by the garrote, taking into consideration the bad antecedents of the latter two.

Fermin de la Cruz not having appealed, the case was sent to this court in consultation of the judgment with respect to Juan Ramos and Bartolome Ramos only, in accordance with the provisions of the law applicable to the subject.

We consider that the classification of the crime as murder by the judge below is in accordance with “law, as is also his conclusion as to the guilt of Juan and Bartolome Ramos. We do not, however, agree with the judge with respect to the penalty imposed upon them. In our opinion the circumstances which the judge considered for the purpose of imposing the death penalty should not be applied.

From the testimony of Luisa Macaraeg, the daughter of the deceased, the most important witness for the prosecution, it may be deduced that Macaxaeg was attacked and wounded

outside his house. She says that the accused called him out upon the deceitful pretext that they wanted to speak to him, and that, he having come down, they attacked him with the bolos they were carrying, inflicting upon him five wounds and leaving him stretched on the ground. This being so, and it not having been demonstrated that the place where the attack was made—it certainly was not in the house, which the accused did not enter—was connected with the house as an integral part thereof, it follows that the aggravating circumstance of the commission of the crime in the dwelling of the offended party can not properly be considered.

The bad antecedents of the accused do not constitute in themselves an aggravating circumstance, it not having been made to appear that they have been formerly punished for some crime or crimes, or could be regarded as recidivists under paragraphs 17 and 18 of article 10 of the Penal Code. Furthermore, the report of the municipality in which the Ramos brothers lived as to their manner of life and conduct solely states that it was *middling*—a vague expression which conveys no concrete idea and can not, therefore, be considered for the purpose of aggravating the penalty which the law requires should be inflicted upon these defendants.

As there is no circumstance connected with this case which modifies the penalty, the accused must be condemned to suffer the penalty prescribed by article 403 of the Penal Code in its medium grade, to wit, life imprisonment (*cadena perpetua*), in accordance with rule 1, article 81 of the Code.

We therefore decide that the accused, Juan Ramos and Bartolome Ramos, must be condemned to life imprisonment (*cadena perpetua*), with its corresponding accessories, this punishment to be inflicted in the penal establishment provided by law to that end, and not in the provincial jail of Pangasinan. The judgment below is therefore reversed, in so far as it condemns the accused to death, but it is otherwise affirmed, with the costs of this instance to both the accused in equal parts

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