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Pico Vs. United States

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Court : US Supreme Court

Decided On : Apr-07-1913

Appeal No. : 228 U.S. 225

Appellant : Pico

Respondent : United States

Judgement :

Pico v. United States - 228 U.S. 225 (1913)
U.S. Supreme Court Pico v. United States, 228 U.S. 225 (1913)

Pico v. United States

No. 319

Argued February 25, 26, 1913

Decided April 7, 1913

228 U.S. 225

ERROR TO THE SUPREME COURT

OF THE PHILIPPINE ISLANDS

SYLLABUS

Under art. 403, Philippine Penal Code, a person can be guilty of murder with alevosia (treachery) although there may have been no specific intent to kill, and so *held* that one who had his victim bound and then caused him to be violently beaten with an instrument likely to cause death was guilty of murder with alevosia even though he did not specifically intend that death should result.

Under the Philippine Penal Code, as at common law, men are presumed to intend the natural consequences of their acts.

An objection that a complaint charging murder with alevosia by beating a person to death is defective because it did not allege all the details proved as to the fact that the victim had been bound so as

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to make defense impossible should be made in the lower court where amendment are possible. It come too late when made in this Court for the first time.

The conviction by the Supreme Court of the Philippine Islands for murder with alevosia of one who had caused his victim to be bound and then beaten with an instrument likely to cause death, and a sentence of 17 years, 4 months and 1 day of cadena temporal and the accessories, and an indemnity to the heir of his victim of 1,000 pesos, being a modification of the sentence of the Court of First Instance of cadena temporal for life and accessories and indemnity, sustained by this Court as being in accordance with the evidence, without error of law, and not in any manner depriving the defendant of his liberty without due process of law.

15 Phil. 549 affirmed.

The facts, which involve the validity of a conviction and sentence for murder in the Philippine Islands, are stated in the opinion.

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MR. JUSTICE LAMAR delivered the opinion of the Court.

Juan Pico, claiming the right as Patrol to arrest suspicious persons in the Hacienda of Maluno, within the municipality of Ilagan, Province of Isabela, Philippine Islands, on March 1, 1909, entered the house of Eugenio Castellanes in the nighttime, and inquired if there was anyone else on the premises. He was told that there was a Chinaman asleep in the next room, and, going there with several attendants, ordered him to get up. Receiving no answer, Pico struck him with a gun. The Chinaman arose and seized the gun as Pico again attempted to strike him. After some altercation, he was overpowered, and Pico ordered his attendants to bind him. This they did, putting a rope around his neck, tying his arms behind

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his back, and, in this condition, he was ordered out of the house for the purpose or being taken to the nearby Hacienda, of which Pico was manager. Whether through unwillingness or physical inability resulting from the blow previously inflicted does not clearly appear, but the Chinaman refused to walk, and Pico again struck him several times with the gun. Partly dragged and partly carried, the Chinaman was in a state of collapse when he reached the Hacienda, where, a few hours later, he died. The next morning at 8 o'clock he was buried, a medical employee on the estate giving a certificate that he had died of heart failure. The suspicion of the authorities having been aroused, the body was disinterred, and, as it exhibited signs of external violence, Pico and two of his attendants were arrested, Pico being charged

"with the crime of murder, with the qualifying circumstances of alevosia (treachery), as defined and penalized in 403 of the Penal Code, [Footnote 1] in that"

". . . he feloniously ordered his two servants to seize and tie the Chinaman, Go-Siengco, and thus tied and unable to defend himself, the said Pico, with the intention of killing the said Chinaman, struck him several blows with a shotgun, as the result of which blows the Chinaman subsequently died. "

The evidence for the government was direct and positive, and left no reasonable doubt as to the guilt of the defendant unless the witnesses for the prosecution were unworthy of belief. Their credibility, though attacked, was sustained by the trial judge, who found the defendant guilty and sentenced him to cadena temporal, to be confined in the Bilibid Prison for the term of his natural life, with accessories named in Art. 54 of the Code, and to pay the heirs of the Chinaman 1,000 pesos. A motion for a new trial was overruled, and on appeal the supreme court stated that only a question of fact was involved, and that the testimony for the government, being direct and without elements of untruth, fully supported the findings of the trial court:

"We have only one criticism of the judgment below. We are convinced that the court, in imposing the penalty, should have taken into consideration in favor of the accused the extenuating circumstance described in Article 9, subdivision 3, of the Penal Code, namely, that 'the delinquent had no intention of committing so grave an injury as that which he inflicted.' There not having been present any aggravating circumstance, the penalty should have been imposed in its minimum degree."

15 Phil. 549.

1. It is claimed that this finding was in legal effect an acquittal, and several decisions of the Supreme Court of Spain are cited to support the argument that there can be no "murder with alevosia" unless there was a specific intent to kill the person bound. We cannot so construe the Philippine Code. Under it, the killing of a human being is parricide, murder, or homicide, depending not always on the intent, but upon the relation of the parties and the circumstances under which and the means by which life was taken. On the trial of a charge of "murder with premeditation," there might be call for proof of a specific intent, but even then that could usually

be established only by external circumstances capable of proof. But, in the case of murder with cruelty or with alevosia, the intent would be immaterial, although the accused might claim that he thought that the cruelty would not cause death or that the beating would punish, and not destroy, the person who was bound. Under the Penal Code of the Philippines, as at common law, men are presumed to intend the natural consequences of their act, and cannot escape punishment for taking life on the claim that they had not intended or expected that such consequence would result from what they purposely did.

In this case, Pico was not charged with "murder with evident premeditation." As the Chinaman was, at the time, bound and defenseless, Pico was guilty of "murder with the aggravating circumstances of alevosia," punishable by the minimum, medium, or maximum penalty, depending on the presence or absence of mitigating or aggravating circumstances, as defined by the Code, [Footnote 2] which permitted effect to be given to the absence of a specific intent by a mitigation of the punishment. This we understand to be the effect of the decision of the Supreme Court of the Philippine Islands, and not, as claimed, an acquittal of the charge on which Pico was tried. *United States v. Brobst,* 14 Phil. 310; *United States v. Candelaria,* 2 Phil. 104.

The decisions cited by plaintiff in error do not require a reversal, for none of them relates to a case like this, where the accused, having himself ordered his victim to be bound, consciously, intentionally, and repeatedly beat him with an instrument likely to produce death.

2. It was also contended that the complaint was defective in failing to allege that the Chinaman had been tied

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for the purpose of making defense impossible, and so that he might be killed without risk to the accused. This objection comes too late. It was not made in the supreme court nor in the trial court, where amendments could have been made even if necessary under the liberal system of criminal pleading authorized by 6, 8,

9, and 10 of the Appendix to the Penal Code of the Philippine Islands.

3. Pico was sentenced by the supreme court to seventeen years, four months, and 1 day of cadena temporal, to the accessories provided by law, and to indemnify the heirs of the deceased by the payment of 1,000 pesos. In the record, there is an assignment of error that this was cruel and unusual punishment (*Weems v. United States,* 217 U. S. 349), but, on the argument, the contention was abandoned in open court, and the point will therefore not be considered. In other assignments, complaint was made that Pico was deprived of his liberty without due process of law because the evidence was insufficient to prove beyond a reasonable doubt that the Chinaman died as a result of the blows inflicted by Pico, because the supreme court refused to pass upon the credibility of witnesses in the trial court, because he was refused a new trial on the ground of newly discovered evidence, and because one of the witnesses admitted to have given false testimony. We find no error of law. The evidence fully sustained the conviction, and the judgment is

Affirmed.

[Footnote 1]

"Art. 403. The crime of murder is committed by any person who, not falling within the terms of the next preceding article [relating to parricide], shall kill another under any of the following circumstances:"

"1. With alevosia."

"2. For a price or promise of reward."

"3. By means of inundation, fire, or poison."

"4. With evident premeditation."

"5. With cruelty, by deliberately and inhumanly increasing the suffering of the offended party."

"Art. 10, 2. There is treachery (alevosia) when the offender commits any of the crimes against the person, employing means, methods, or forms in the execution thereof which tend directly and specially to insure its execution without risk to himself arising from the defense which the offended party might make."

[Footnote 2]

"Art. 78. Aggravating circumstances which, in themselves, constitute a crime specially punishable by law, or which are included by the law in defining a crime and prescribing the penalty therefor, shall not be taken into account for the purpose of increasing the penalty."

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