

# A Murder in To'to: Local Responses Against Convict Violence in Guam

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At 10:30 in the morning on December 1, 1886, Don Manuel Aflagüe, the First Deputy of the City Hall of Agaña, was approached by a distressed young man named José Untalán. A native of Guam and son of Filipino settler Marcos Untalán and of Joaquina de Guzmán, José delivered shocking news to the deputy mayor: his father Marcos had just been brutally murdered by convicts at his rancho in To'to.<sup>1</sup>



To'to area associated with the Untalán family,  
Author's photo, 2023.

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<sup>1</sup> I would like to acknowledge the help and support given by *Siñot* Joseph Mendiola Palomo, great-grandson of Marcos Untalán, who I interviewed July 22, 2020, and who facilitated valuable background information on Filomena Untalán. Also to Raph Unpingco and Malia A. Ramirez for their valuable time and information of interest to this article. Credit is due to Richard K. Olmo, Robert A. Underwood, Rosa S. Palomo, and Chris Rasmussen for reading early drafts of this article and contributing with valuable edits and suggestions. While I acknowledge the importance of using the official spellings for CHamoru and for place names like Hagåtña or Guåhan, in this article I keep the spelling used on the archival documents of the era in order to retain the original scope of meaning used at the time.

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The historical presence of convicts, ex-convicts, and *forzados*, as referred to in recent academic literature, was a social phenomenon in the Mariana Islands since the Spanish conquest in the late 1600s (Fernanda García de los Arcos, 1996; Mawson, 2016, 2013).<sup>2</sup> Throughout the 1800s, owing to a completely different range of circumstances and guided by disparate policies, succeeding Spanish metropolitan administrations transported varying cohorts of political exiles, *deportados*, convicts, and other prisoners of Spanish or Filipino origin to this archipelago (Madrid, 2006).<sup>3</sup>

This article delves into the intricacies of a homicide case perpetrated by convicts in Guam in 1886, drawing from the original archival materials of the ensuing legal trial. The investigation not only unveils the limits of solidarity among fellow Filipinos, but also underscores the perils posed by a roaming convict population to the agricultural landscapes tended by local Guam residents. Additionally, it offers insights into the nuanced responses of the colonial administration, shedding light on manifold facets of daily life and the surrounding environment in the vicinity of To'to. Moreover, a closer examination of the forensic and judicial procedures that unfolded subsequent to the murder presents a compelling illustration of an early instance of meticulous professional scrutiny. This inquisitorial endeavor was orchestrated by a judicious assembly of Spanish, Chamorro, and Filipino protagonists, thereby offering a vivid exemplar of cross-cultural collaboration within the realms of the forensic and judicial domains.

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<sup>2</sup> María Fernanda García de los Arcos, *Forzados y reclutas: los criollos novohispanos en Asia, 1756-1808*, México: Potrerillos Editores, 1996; Eva María MEHL, *Forced migration in the Spanish Pacific World: From Mexico to the Philippines, 1765-1811*, Cambridge: Cambridge University Press, 2016. Mawson, Stephanie, "Rebellion and Mutiny in the Mariana Islands, 1680-1690", *The Journal of Pacific History*, 50 (2), 2015, p. 128-148. And by the same author, "Unruly Plebeians and the Forzado System: Convict Transportation Between New Spain and the Philippines During the Seventeenth Century." *Revista de Indias* LXXIII, no. 259 (2013): 693-730.

<sup>3</sup> Madrid, Carlos. *Beyond Distances: Governance, Politics and Deportation in the Mariana Islands from 1870 to 1877*. Saipan: Northern Mariana Islands Council for Humanities, 2006.

## **Background of the Murder**

For the residents of Guam, where violent incidents were relatively uncommon, any report of a crime must have been unsettling and worrisome, especially considering the recent memory of the Governor's murder just two years earlier and the execution of four local men that were found guilty of the crime by a Manila judge. In the murder of Marcos Untalán, the ethnic background of the individuals involved in the case, all Filipinos, likely added to the already tense atmosphere within the culturally diverse community of the city. The crime posed another test for the justice system, prompting the local colonial government to ensure proper procedures were strictly followed, perhaps as a means to demonstrate effective governance in the Mariana islands. The subsequent investigation into the crime holds particular significance for those interested in understanding the living conditions of the people of Guam during that era.<sup>4</sup>

In Guam and the rest of the Mariana Islands, the Spanish Penal Code for the Philippines and the Law of Criminal Prosecution (*Código Penal de las Islas Filipinas, Ley de Enjuiciamiento Criminal*) were applied, which were generally identical to the laws in peninsular Spain.<sup>5</sup> According to

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<sup>4</sup> The narrative of the events that follows is derived directly from the trial record, located at: NAP, Marianas 1822-1898. SDS-4340. B-10. s-536 to s-572. It was signed in Agaña on December 27, 1886, by Judge of First Instance Joaquín María Llácer y Martín, who had also presided over the investigation into the murder of Governor Pazos.

<sup>5</sup> The Spanish Penal Code underwent an update in 1884 with the Royal Decree of September 4, and it was subsequently extended to the Philippines in 1886. To adapt the legal code to the Philippine context, a commission was established, although they ultimately favored maintaining harmony between the laws. The vast majority of the articles enforced in Peninsular Spain were applied in the Spanish Philippines, with a few exceptions and colonial amputations. Upon its publication in the official *Gaceta de Manila*, the law allowed a grace period of four months before it came into effect. This duration was intended to ensure that the news of the updated code reached the entire Philippine territory. However, for the Marianas and the Batanes archipelagoes, which were located at a greater distance from the capital, the grace period was extended to six months, taking into consideration the logistical challenges posed by their remoteness. See: *Código Penal y Ley Provisional para la Aplicación de las Disposiciones del mismo en las Islas Filipinas*. Madrid 1886, 10.

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Article 489 of the Law of Criminal Prosecution, each Court of First Instance (*Juzgado de Primera Instancia*) was required to have the assistance of a forensic medical examiner, whenever this was requested by the coroner.



Seal and Letterhead  
Real Audiencia de Manila, 1886

Since Agaña served as the seat of the Court of First Instance, the role of the forensic medical examiner had to be fulfilled by one of the professional doctors, either military or civilian, assigned to the Mariana Islands. Therefore, when acting as a medical examiner, the doctor had to adhere to the methods and principles of the discipline, and they were subject to legal responsibilities. However, due to factors such as distance, limited budget, and scarcity of medical resources and personnel, the government officials, whether they were Spanish, Chamorro, or Filipino, faced severe challenges in conducting on-site investigations.

The primary suspects in the murder were five convicts from the Presidio, Filipino prisoners who had been sent to the Mariana Islands to serve their sentences for various crimes ranging from resistance to authorities, to robbery, and murder. During their time in the Mariana Islands, the convicts were often employed in public works projects. Chamorro and other local farmers could and did hire these convicts by paying the colonial government a monthly fee of 2.5 pesos per individual.

The revenue generated was used to offset the costs of maintaining the Presidio itself (Chacon, 1885).<sup>6</sup>

According to the law, the initial stages of criminal proceedings were overseen by the *Gobernadorcillo*, the town mayor.<sup>7</sup> In the case of a murder, a judicial team was formed *ex officio*, consisting of individuals with jurisdictional responsibilities in the area where the crime occurred. In the absence of Agaña's *Gobernadorcillo*, it fell to its *Teniente Primero*, First Deputy Mayor Manuel Aflagüe, to fulfill these duties on behalf of the highest municipal authority. Within the judicial team, the ultimate authority was not the Governor, but rather the Judge of First Instance, in this case Joaquín Llácer y Martín, who during the early investigation acted as Coroner. Only if a resident judge was unavailable would the Governor assume the role of Judge, as it was the customary practice in earlier times. Other members of the judicial team included the medical examiner, likely a military doctor, and two official local witnesses who would attest to the entire process.

Aflagüe revealed that all five Filipino convicts—Simón Panday, Rufino Boncao, Mariano Benoligo, Manuel Ceñido, and Guillermo Jacome—were employed by the same person, a Chinese settler named Rosauo Ungpinco, the patriarch of today's eponymous Guam family.<sup>8</sup> Earlier that morning, the *Comandante* of the Presidio had already reported that convict Rufino Boncao had confessed to the murder. However, Boncao claimed to have acted alone, while the other two suspects,

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<sup>6</sup> The amount of 25 pesetas per month per convict. That is equivalent to 2.5 pesos.

<sup>7</sup> In 1893 the law was updated with the issuance of the Royal Order on September 7th. This Order relieved the local municipal authorities from the responsibility of conducting proceedings in criminal cases. The details of this change can be found in Manuel Artigas' book, *El Municipio Filipino*, Volume I, 2nd Edition, published in Manila in 1895, 84, footnote. However, there are indications that in Guam town mayors might have continued the practice of conducting preliminary investigations in criminal cases. This is supported by an entry in American Officer William Safford's diary, where he noted a similar instance in 1899. See reference to the *Gobernadorcillo* of Agaña Don Gregorio Pérez in: William Safford, *A Year in the Island of Guam*, 239.

<sup>8</sup> In the source document of the episode cited earlier, the surname 'Ungpinco' was spelled as 'Un Pinco'. According to personal communication between the author and Raph Unpingco on April 10, 2020, a man named Rosauo Ungpinco is identified as the patriarch of the family.

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Benoligo and Panday, denied their involvement in the crime. The other two, Ceñido and Jacome, went a step further asserting that they were not even present in To'to at the time of the incident.

Were these statements truthful? Or mere falsehoods? Judge Llácer ordered the immediate detention incommunicado of all five suspects, a decision that would prove crucial in resolving the case. Aflagüe was in charge of accompanying the judicial team to the murder site.

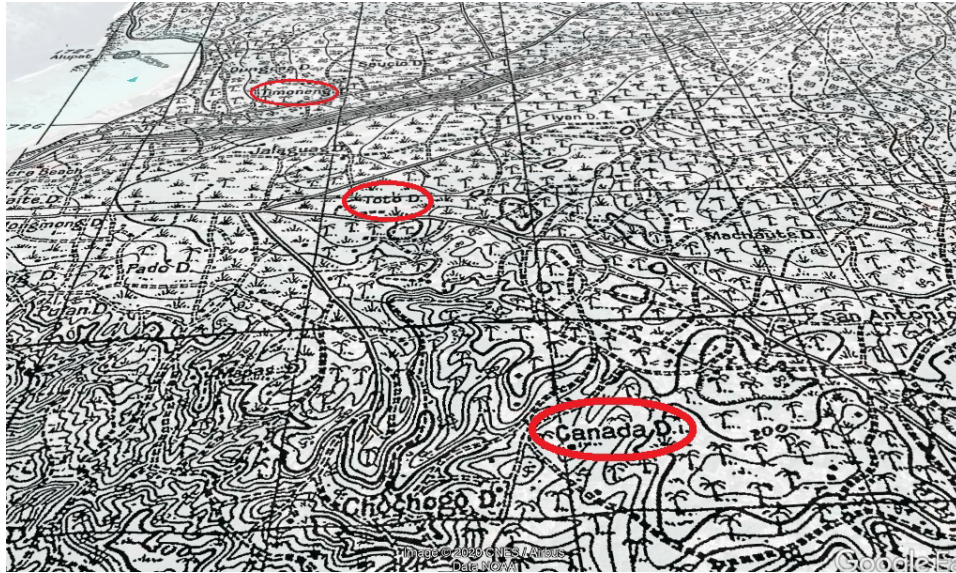
### **The Forensic Investigation of the Crime Scene**

In those days, to reach To'to, nearly four kilometers east of Agaña, one had to pass through the small village of Mongmong before arriving at the area of San Antonio. This stretch of the island—Mongmong, To'to, and San Antonio was a very fertile one, characterized by an abundance of coconut trees, ranchos, and agricultural fields where camote, corn, and other produce were cultivated either by local residents, or under the auspices of government offices. The murder had occurred along a side road which led to three ranchos farther away, identified in the records as Pasigao, Nilas, and Manguilas.<sup>9</sup> The lifeless body lay on the right side of the road itself. The body was lying in a supine position, slightly prone to the left, possibly due to the incline of the road. The head was tilted toward the left side. The left arm was extended near the body, while the right arm was bent with a closed fist over the chest. The left knee was also bent. The right leg was slightly bent toward the left, with the left foot resting on top of the right ankle. The area around the head was covered in a substantial amount of blood that had soaked into the soil.

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<sup>9</sup> The spelling of both places is directly taken from the source document. Yet, the plausibility of misspelled names should not be dismissed. It is conceivable that these names could align more accurately with 'Nalao' and 'Mangilao.' It was not unusual during that era for clerks transcribing trial documents to inadvertently introduce spelling errors.





Map of Guam in 1914. Highlighted in red, the approximate areas of To'to, Cañada, Tamuning.

The doctor meticulously observed the body's position and described the wounds, which were both numerous and gruesome. A total of eighteen wounds were counted. Among them were three wounds located in the upper part of the scalp, measuring four, six, and eight centimeters in length respectively. These wounds were inflicted in a top-to-bottom direction using a sharp tool. It was determined that all three wounds were inflicted by the same machete, while the victim was in the process of fleeing from the attacker. Another wound on the upper part of the head, measuring five centimeters in length, reached the skull and appeared to have been caused by a sharp and blunt tool, leaving a deeper cut on the side of the wound farthest from the forehead. Additional wounds were located in the upper middle part of the head, on the back right side. Two oblique wounds, caused by a blunt, sharp tool, were twenty centimeters in length and penetrated the scalp, skull, and brain. Two other wounds, measuring eleven and twelve centimeters, were found in the same area, also in an oblique direction. These wounds fractured the bone, suggesting they were made with a blunt but relatively light tool.

Aflagüe and another local official, D. Manuel Manalisay, confirmed the victim's identity as 62 years old Marcos Untalán. He was wearing a blue cotton shirt and pants. He had a leather belt on his left side with a scabbard containing a machete. Upon further inspection, the blade of the

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machete was found to have traces of blood, although it appeared to have been cleaned by being plunged into the soil. Untalán was also wearing what they described as *abarcas*, probably referring to the Chamorro-made sandals tied around the ankle and arch of the foot.<sup>10</sup> He was not wearing a hat. A thorough examination of the area surrounding the crime scene was conducted. Approximately thirteen meters southeast from the feet of the body, a black salacot (a filipino type of hat part of convict's uniforms) was found in the middle of the road.<sup>11</sup> About four meters away from the body, on the right side of the road, a crowbar was discovered. Due to the undulated nature of the terrain, there were no visible dwellings in the immediate vicinity of where the body was found.

A fence along the road enclosed Untalán's adjacent crop, consisting of camotes and corn plants that had already dried up. Roughly 140 varas (116.2 meters)<sup>12</sup> from the body, on the other side of the fence but near the road, a shed was located. Approximately 25 meters from the shed, there was a hole in the ground where Marcos Untalán had apparently been working. Footprints belonging to more than one person were noticed near the hole, all leading in the same direction. Following these footprints about 80 meters to the north, an opening was discovered in the fence that bordered the road. Underneath that opening, a deteriorated brown felt hat

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<sup>10</sup> Its simple design made it easy to manufacture particularly in places where shoes were not available or affordable. *Abarcas* of all sorts provided a versatile advantage in rough terrains, so the Spanish military had officially adopted the use. See: *Nuevo diccionario de la lengua castellana: que comprende la última edición del de la Academia española*. Librería de A. Bouret é hijo, 1876. P. 3. Also José Almirante y Torroella, *Diccionario militar, etimológico, histórico, tecnológico, con dos vocabularios francés y alemán*. 1869, 141.

<sup>11</sup> Black salacots were part of the convicts' uniform, according to the *Reglamento* active by 1859. Each convict had to be given two pants, two shirts, and one salacot. The pants were of European stripped *lienzo* (a textile made of either cotton, hemp, or linen), "of the highest quality". See: NAP, Presidios (1858-1872). SDS-1418. Normas para la licitación de la contrata de suministro de vestuarios para los presidios, 5, 10, 16.

<sup>12</sup> Most likely one vara in Spanish Guam was the same than one vara in the Spanish Philippines: 0.83 meters. Two varas made one braza. See: Fedor Jagor, *Viajes por Filipinas*. Madrid, 1875. P. XVIII. One vara was equivalent to 36 Spanish inches. One Spanish inch was 23.22 millimeters.



was recovered.<sup>13</sup> The footprints were no longer discernible on the road. The body was found not far from this location. No signs of struggle or fight were visible in any of these areas.

However, for the doctor conducting the forensic analysis of the corpse, the number and sequence of the injuries provided valuable insight. The initial head wounds indicated that the victim was attempting to flee from the attacker. Another head wound, which reached the skull, was likely inflicted from behind, causing the victim to fall forward and resulting in damage to the forehead and hand. This particular head wound was so severe that it could have been fatal on its own, and its uneven nature suggested it was not caused by a regular blade. Interestingly, one of the machetes confiscated from the main suspect (Boncao) during the investigation had an indentation at an angle that aligned with the wound, indicating that if the attacker was taller than the victim or attacking from higher ground, it would match the trajectory of the wound.

The remaining wounds were inflicted while the victim was facing the attacker, but the doctor observed that they were likely inflicted when the victim was already on the ground. Some of these injuries were delivered with an unusually strong force and could have been fatal if the prior blows to the head had not already caused death. These wounds were consistent with the characteristics of the machete number 3, taken from Boncao. Thus, it was deduced that Untalán might have still been alive and attempted to defend himself by using his hand or the crowbar, resulting in injuries to his fingers in the process.

Judge Llácer called upon two prominent Agaña residents, Don Joaquín de León Guerrero and 26-year-old silversmith Don Juan Martínez y Crisóstomo,<sup>14</sup> to provide their expertise on the machetes as edged

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<sup>13</sup>Felt hats were not locally produced, so we can take it as a sign of the economic capacity of Marcos Untalán. Even in Manila, where felt hats were widely used, they were an imported commodity, mentioned in: Wenceslao Retana, *Reformas y otros excesos*. Librería F. F. 1890,31. The literary work of Filipino author and National Hero José Rizal makes reference to felt hats as humble effort to get social distinction. In Rizal's novel *El Filibusterismo* a character buys a felt hat and a jacket as soon as he is appointed Barangay Captain, and another one gains respectability after getting a felt hat and shoes. See: Jose Rizal, *El Filibusterismo*, F. Granada, 1908 30, 45.

<sup>14</sup> According to the Martinez family genealogy, Juan Martínez y Crisóstomo (1860-1907) was the sole son out of the five children of Rosa Crisóstomo and José Martínez.

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weapon experts. After examining the four machetes and the crowbar, both experts concluded that the blade indentation on the machete number 3 used by Bocao was not recent. It predated the murder. Llácer reasonably inferred that this machete might have been the one responsible for the irregular head wound. The other machetes showed recent markings, made not later than eight to ten days. Martínez and León Guerrero noted that machetes 1 and 3 were of legal use, while the others had sharpened tips, a practice that was prohibited by the colonial authorities precisely to prevent their use in criminal or subversive actions. When inspecting the crowbar, they observed a recent small cut, which they believed was likely caused by machetes numbered 1, 2, or 3, as they were made of steel and capable of chipping the iron of the crowbar. Llácer interpreted this as evidence that the victim had used the crowbar in an attempt to defend himself against the machete blows, thus indicating that he was still alive when he sustained the frontal wounds.

With the conclusions from the blade experts and the doctor's forensic report gathered, along with a thorough examination of the crime scene, Judge Llácer, acting as coroner, was able to establish that the murder had been committed by multiple individuals using different weapons and with extreme, ruthless brutality. Llácer and his team needed to obtain further statements from witnesses to determine which of the five suspects had participated in the savage murder of Marcos Untalán and which had not.

### **The Witnesses' Testimonies**

Legal proceedings could be conducted in the Tribunal, which served as the local judiciary court. Its upper floor accommodated various offices, including those of the city mayor and deputy officers like Manuel Aflagüe. The main hall was reserved for city council meetings. While these spaces

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His siblings were Guadalupe, Joaquina, Emiliana, y María, who was the youngest, born in 1868. Juan married Rosa Pangelinan Martínez, with whom they had five children. One of their notable offspring was Don Pedro Martínez (1892-1967), a prominent businessman. From: *Martínez Family Genealogy. Descendants of Ciriaco del Espíritu Santo*, 3-4. Mentioned as silversmith by William Safford in *A Naturalist on the Island of Guam*, 1899.

may have appeared modest, with only essential furniture and equipment, their institutional significance cannot be overstated. Given the gravity of the crime, it is also possible that the judicial proceedings took place in the Government Palace premises, where a designated room on the ground floor occasionally served this purpose.

The process of administering oaths to witnesses naturally occurred in Spanish. However, it could also have been conducted in Chamorro, for which there were designated translators available. In fact, since 1860, the Chamorro language could be legally used even in the documentation of judicial records (such as *sumarias* or legal proceedings) if the responsible official was not proficient in Spanish.<sup>15</sup> Regardless of the language used, the oath-taking process followed a consistent formula. The individual taking the oath and the witness-to-be were required to stand and uncover their heads. The local official would then point to a cross or simply cross their thumb and index fingers before asking the witness, “Do you swear by God Our Lord and this sign of the cross to tell the truth in what you know and will be asked?” The response would be, “Yes, I swear.” The official would then add, “If you do so, may God reward you, and if not, may He hold you accountable.” Non-Christian individuals of Chinese background were subject to a specific oath-taking ceremony, which will be discussed later in this paper. Witnesses from other religious denominations or beliefs were sworn “in accordance with their own beliefs”.<sup>16</sup> Military officers took their oaths by placing their right hand on the hilt of their sword and swearing under “palabra de honor” (Word of Honor) to provide truthful testimony in everything he knew and was

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<sup>15</sup> As determined in the Circular issued by the Real Audiencia de Manila on August 31, 1860, which determined the duties of the Gobernadorcillos in their capacity of agents of the judiciary authorities. The Circular specified that the native languages could be used by the local authorities if he or his assisting officials did not understand Spanish. Cited in Vicente Bas y Cortés: *Derecho Ultramarino Vigente. Volumen I*. Habana 1867. Number 14, 26.

<sup>16</sup> José Feced y Temprano: *Manual del Gobernadorcillo en el ejercicio de sus atribuciones judiciales y escriturarias: Guía del hombre de negocios en Filipinas*. Imp. de Ramírez y Giraudier, Manila, 1867. a24-25. Author's translation.

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asked.<sup>17</sup> These protocols had been in use in colonial Marianas for generations by 1886.

Besides Joaquina de Guzmán, widow of the victim, one of the first witnesses was José Untalan, one of the sons. He stated that around 8 in the morning on December 1, four convicts, dressed in their prison uniforms but without shackles, arrived at his father Marcos Untalán's ranch and asked if they could cook their breakfast there. Joaquina informed them that her husband was not present and instructed them to wait until he returned. She sent their daughter Filomena to look for him. Upon his arrival, Marcos Untalán told the convicts that he could not grant them permission to enter his ranch due to recent edicts (known as *Bandos*) that prohibited convicts from entering private ranches.



An elderly Filomena Untalan with her daughter Joaquina.  
Photo courtesy of Filomena's grandson Joseph Mendiola Palomo

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<sup>17</sup> NAP CD10, Varias Provincias Marianas 1795-1799. SDS-4368. Diligencias sobre la niña Andrea Perea.

Disappointed, the convicts left, one of them heading towards Agaña and not to return, and the other three remained near the ranch. When one of these three convicts approached again, Marcos Untalán likely felt threatened. After a brief exchange of words, Marcos alerted his sons Vicente and José by saying, “Run away, they want to hurt us.” All of them started running, with José in front of his father. When José looked back, he witnessed one of the convicts striking his father in the head with a machete, causing him to fall to the ground. Shortly after José also saw another convict grabbing the crowbar, throwing it away, and pressing his knee on Marcos Untalán's chest, repeatedly attacking him with a machete, while the other two convicts shouted, “Hala, hala, dali” (meaning “Go, go, rush”). José tried to defend his father by striking one of the attackers with his *fociño*, a long wooden tool used in farming, but the other two rushed towards him, saying, “Nangait, nangait” (likely “Wait, wait”). José had no choice but to flee.

Another witness called to testify was Vicente Untalán, presumably a younger brother of José. He testified that during the attack, he ran towards the ocean, hearing the convicts pursuing his father and shouting, “Hala, hala.” He later returned to the ranch without looking back.

Expanding her first testimony, Joaquina de Guzmán, the widow of Marcos Untalán, confirmed the details provided by herself and her sons. She emphasized that her husband did not know the convicts and had no prior conflicts with them. Despite the severity of the crime, she chose not to press charges against the convicts. Joaquina identified the machete used by the murderer as belonging to her husband, the same one he had used earlier that morning to kill a chicken.

Another witness, Matías Pangelinan, was working in the same area of To'to when the attack occurred. He witnessed four convicts entering Marcos Untalán's ranch. Pangelinan went there after being called by the girl Filomena but later returned to his work. Shortly afterward, he saw one convict engaging in conversation with Marcos Untalán, while the other two convicts approached. Although Pangelinan couldn't hear their conversation, he heard Marcos warning his sons and him to run away because the convicts had ill intentions. This prompted them all to flee. Pangelinan didn't witness much and was unaware of any ongoing disputes

between Marcos and the convicts. He remembered that Marcos had killed a chicken that morning.

### **Identifying the Suspects**

The main suspect, Rufino Boncao, had already confessed to the Presidio's Comandante that he had killed Marcos Untalán but claimed to have acted alone. Witnesses were required to identify the suspects, so Vicente Untalán, Joaquina de Guzmán, and Matías Pangelinan were called to testify. All three identified Boncao, Benoligo, and Panday as the convicts they had seen on the morning of the murder. The fourth suspect, Manuel Ceñido, was identified by Joaquina de Guzmán as the one who left the ranch immediately after the initial conversation with her husband. This indicated that he had not actively participated in the murder. As for the fifth convict, Guillermo Jacome, none of the witnesses identified him, resulting in his acquittal.

The convict uniforms worn by Boncao, Benoligo, and Panday had reddish stains, so they were seized, numbered, and sent for chemical analysis at the infirmary in Agaña to determine if the stains were blood. The machetes were assigned numbers too, for further technical assessment.

In another official declaration, Joaquina added that her husband had killed a chicken that same morning with his machete but had thoroughly cleaned the blade with a *bonete* before sheathing it.<sup>18</sup> She suggested that the bloodstains on her husband's machete may have been caused by one of the prisoners stabbing him, as she couldn't explain how the blade could have been stained again after being cleaned. Joaquina mentioned that when the three convicts left the ranch, they appeared upset and angry, but she couldn't hear their conversation. She recognized the brown felt hat found under the fence as her husband's.

José Untalán identified machete number 3 as the one Boncao used against his father. In his second testimony, he stated that it took the prisoners about five minutes from the time they left the family ranch to

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<sup>18</sup> *Bonete* refers to a rag, a piece of cloth to clean, or polish metal objects. With that meaning its used mostly in Latin America. In the Philippines, *bunot* is the coconut fiber use to polish clean wooden floors.



their return to the area where he and his father were working. It was Boncao who approached his father the second time to inquire if his previous question had upset him, while the other two remained at a distance of about 12 varas (9.96 meters), closer to the road than to his father. José couldn't confirm if the other two convicts attacked his father because he ran away after striking Boncao with his fociño. José mentioned that the felt hat belonged to his father, who lost it while passing through the opening in the fence to escape from the attackers who were chasing him. He stated that at that moment, there was nobody on the road, which was typically busy but not at that particular time (8 in the morning). There were no other people in the adjacent crops. He also declared that their ranch was not used as a shortcut for the Cañada, and there was no trail passing through their land. The trail leading to the Cañada was approximately 300 varas (249 meters) from their ranch and 15 varas (12.45 meters) from where his father was killed.



Chalan Cañada, one of the areas of To'to where bamboo is abundant, Author's photo, 2023.

José testified that he saw the convicts arrive at the ranch, and he knew what they were discussing because his mother and Filomena informed him. His father did not say anything. After the convicts left the ranch, they stopped to discuss something. When they returned to where his father was, they exhibited angry gestures, with Boncao's hand on the

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machete's handle. The other two convicts held their machetes in their hands and appeared prepared to use them.

The chemical analysis conducted on the clothing determined that there was blood present in Boncao's blouse and in Benoligo's blouse and pants. The report explicitly stated that these stains could not be attributed to betel nut or buyo. However, due to the lack of technical equipment in Guam, the tests to determine whether the blood was of human or animal origin could not be conducted, as meticulously noted by Judge Llácer.

### **The Tangled Skein Tightens**

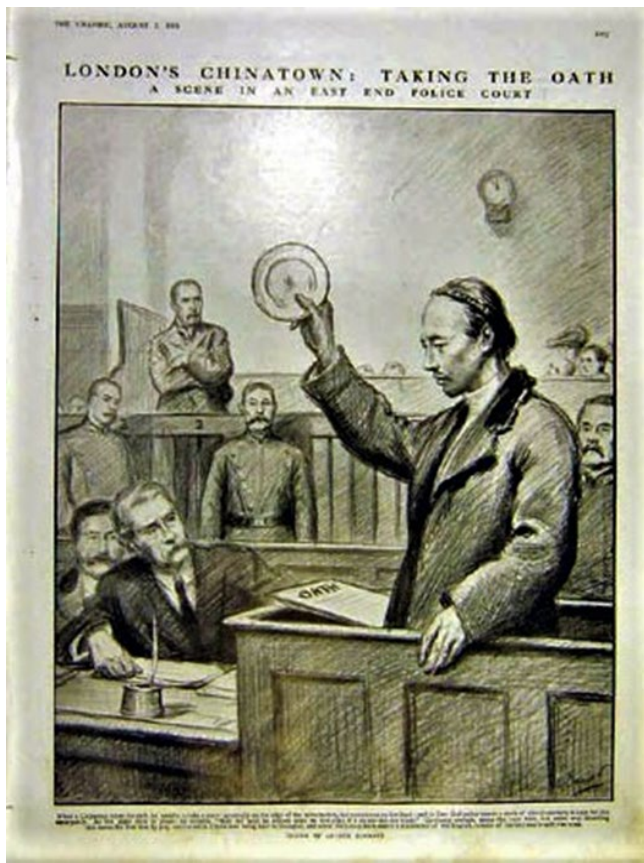
Rosauro Ungpinco was summoned to provide testimony. He was one of the individuals of Chinese origin who had arrived in the Mariana Islands in the second half of the 19th century. Some were brought to the islands by the Spanish colonial authorities as a result of a government decree that stated any Chinese trader found guilty of debt to the Public Treasury would be deported to the Mariana Islands to work and repay their debt.<sup>19</sup> Either this was Rosauro Ungpinco's case or not, once he Guam it seems he was granted land for cultivation and managed to make a reasonably good living. With regards of Ungpinco's testimony, it is worth mentioning that Rosauro being a Christian name (masculine version of Rosaura meaning "Rose of Gold"), would have had the standard Christian oath-taking ceremony, rather than the specific one for non-Christian Chinese individuals.

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<sup>19</sup> Jesús Paniagua Pérez (ed.), *Memoria reservada de Don Domingo Moriones sobre el gobierno de Filipinas (1877-1880)*. Universidad de León, 1988,147.

*Oath Taking for Non-Christian Chinese*



“A Chinese oath,” *The Graphic*.  
August 2, 1913.  
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non-Christian Chinese witnesses as early as 1806. This ceremony involved the use of two lighted candles, a rooster, and two pieces of paper with the person's name, exact date and time of birth written in Chinese characters. The papers were burned

In Western legal systems during the second half of the 19th century, finding an appropriate oath-taking formula for Chinese witnesses posed a challenge. In British Hong Kong in the 1840s and in the United States from 1864 onwards, where there was a growing Chinese migrant community, different alternatives for oath-taking were explored, depending on the judge or circumstances.<sup>20</sup> The Spanish legal system in the Philippines had adopted a specific oath-taking ceremony for

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<sup>20</sup> For the instances in British in Hong-Kong see Christopher Munn: *Anglo-China: Chinese People and British Rule in Hong Kong, 1841-1880*, 231-232 and 243. For instances in the United States see: Scott Zesch: “Chinese Los Angeles in 1870-1871: The Makings of a Massacre” in *Southern California Quarterly* 90, no. 2 (2008): 109-58. Accessed April 15, 2020. doi:10.2307/41172418,145-146. Footnote 232. Also in the 1904 case “Rex v. Lai Ping”, mentioned at: *Law Notes, Volume 32*. E. Thompson Company, 1929,86.

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in one of the candles, and the rooster's head was cut off.<sup>21</sup> This oath-taking rule must have been known in the Mariana Islands, since it is explicitly described in the handbook of duties of the local Gobernadorcillos for the whole of the Spanish Philippines.<sup>22</sup>

A Spanish author commenting on a case in Manila in 1844 protested that such a ceremony should only apply to Confucian Chinese, not Taoist or Buddhists, as it would be meaningless for them.<sup>23</sup> Over time, many Western justice professionals in Southeast Asia assumed that oath-taking in general as meaningless within Chinese systems of belief. Blatant prejudices and misunderstandings against Chinese migrants and their cultures did complicate the matter even further.

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Rosauro Ungpinco testified that on the morning of December 1, he sent the four convicts, Boncao, Panday, Benoligo, and Ceñido, to cut bamboo. They left his ranch in Tumon Bay, which may have been located in the same land that his descendants owned until the 20th century, in the present-day area known as Matapang Beach.<sup>24</sup> The purpose of their task was to gather bamboo, and Ungpinco authorized each of them to carry a machete for the cutting work. Around 9 in the morning, Panday and Benoligo returned to the ranch and informed Ungpinco that Boncao had killed Marcos Untalán. They claimed they did not witness the incident themselves. Concerned, Ungpinco took back the machetes from Panday and Benoligo and brought them back to the city, where he surrendered

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<sup>21</sup> Joaquín Rodríguez San Pedro: *Legislacion ultramarina: Volumen VI. Gracia y justicia*. Madrid, 1866, 156-157.

<sup>22</sup> José Feced y Temprano: *Manual del Gobernadorcillo en el ejercicio de sus atribuciones judiciales y escriturarias: Guía del hombre de negocios en Filipinas*. Imp. de Ramírez y Giraudier, Manila, 1867, 24-25.

<sup>23</sup> Comange y Dalmau, Rafael. *Cuestiones filipinas. 1a parte, Los Chinos, estudio social y político*. Tipo-Litografía de Chofre Manila 1894, 139.

<sup>24</sup> According to family lore. Raph Unpingco, personal communication to the author. April 16, 2020.

them to the *Comandante del Presidio*. Unbeknownst to Ungpinco, Ceñido and Boncao had already been brought to the Comandante. Upon learning that an investigation was underway, Ungpinco also surrendered the two machetes to Manuel Aflagüe. However, due to the haste of the situation, Ungpinco did not notice or confirm if the convicts had any blood stains on their clothes or the machetes. He also did not clean the machetes himself and did not witness anyone else cleaning them.

Another witness, Ysidro Avendaño, testified that on the morning of December 1, he was the guard on duty at the Rancho de Tamuning, located below the cliff known as Jalaguak (*Halaguak*) and not far from To'to.<sup>25</sup> This large rancho, also known as *Rancho del Presidio*, was under the usufruct or institutional property of the penitentiary. Avendaño stated that after 9 in the morning, Ceñido and Boncao arrived at the ranch. Boncao had blood on his shirt and confessed to Avendaño that he had killed a man. Avendaño confiscated a machete from Boncao and a knife from Ceñido, and then led the two convicts back to the city. On their way, they encountered the *Ayudante del Presidio*, to whom Avendaño surrendered the convicts. In his declaration, Avendaño clarified that he was only responsible for the convicts in Tamuning, and that those in Tumon were unsupervised by a foreman and had no shackles, just in case he got in trouble for that.

Guillermo Jacome, another convict, testified that on the morning of December 1, Rosauro Ungpinco sent his fellow convicts to gather bamboo, excluding himself. Later that morning, Jacome was detained. He could provide no further information, except for identifying the missing black salacot as his own, which disappeared the same morning when the others went to cut bamboo.

Juan Untalán, another son of the victim, also testified.<sup>26</sup> He was a man who held the trust of the local colonial administration. Two years prior, Juan had applied to become the Jail Administrator of the Cárcel Pública (Public Jail) after the appointed Warden had to resign due to an inguinal

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<sup>25</sup> The guard is referred to by Ceñido in page s-562 as the “bastonero”, a person holding or using a club. *Bastonero* was the name given to the assistant of a Bailiff or head of a presidio.

<sup>26</sup> Wrongly spelled *Butalan*, mistaken from the spelling *Vntalán*, which in turn was mistaken from *Untalán*.

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hernia. The acting governor endorsed Juan's request and even appointed him as the acting Jail Administrator while awaiting approval from Manila.<sup>27</sup>

According to Juan Untalán's deposition as a witness, he stated that he was unaware of the motive behind the murder and only knew what his brothers had told him. He, along with José Guerrero (maybe Jose de León Guerrero, cited afterwards), went to the crime scene and covered the blood on the road with soil. Additionally, Juan chose not to press charges against the suspect murderers of his father.

Another witness, a Chamorro named José de León Guerrero, testified that he was not present at his nearby ranch when the murder occurred. He stated that his ranch was located approximately 248 varas (23.24 meters) south of the crime scene. José arrived at his ranch around 8:30 in the morning on December 1 and learned about the incident an hour later. He also mentioned that sometime between 6 and 7 on the morning of the crime, he saw four convicts walking briskly about 300 pasos (approximately 750 feet) ahead of him in the *Rancho de Aguilar*, heading towards To'to. This was the extent of what he could attest.

The subsequent declaration of the designated blade experts, Martínez and León Guerrero, had been previously mentioned.

During the interrogation on December 2nd, Rufino Boncao, the main suspect, confessed to killing Marcos Untalán but disputed the version of events provided by José Untalán. According to Boncao, at around 8 in the morning, he and the three other convicts (Panday, Benoligo, and Ceñido) arrived at Marcos Untalán's ranch. They requested permission to cook their breakfast there, but Marcos refused and insulted them by saying *no tenían vergüenza*, they had no shame. Boncao asked Marcos not to say such things and protested that they were not at fault. Allegedly, Marcos ordered one of his men to “apprehend the Tagalos”, as convicts were referred to in those days. In response, Marcos hit Boncao with a crossbar he was working with, and another man hit him in the back. Boncao retaliated by using his own machete to strike Marcos three or four times, but he was uncertain about the exact location of the blows. According to Boncao, this altercation occurred approximately 100 brazas (83.5 meters)

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<sup>27</sup> LCW, Item 96. Number 786, December 18, 1884. (PDF,317).



away from the ranch. He refuted the version of events provided by José Untalán.

Judge Llácer and others present in the room likely had a better understanding of the situation, having listened to forensic reports and seen the victim's body. However, the judge needed unquestionable evidence to establish the involvement of other individuals in the crime. Conflicting testimonies is most what he had, and those were insufficient for a definitive verdict.

### **Cross-Examination of the Suspects**

The Judge further inquired Boncao, who claimed ignorance regarding the wounds on the back of Marcos's head. He couldn't recall the exact position they were in after their initial face-to-face encounter following the verbal exchange. Boncao also stated that he was unaware of the actions of his accomplices or whether any of them had attacked Marcos. He mentioned using machete number 1 during the fight. And later on, while they were all together, they found Ceñido on the road to Tamuning, far from the fight's location. They then left the area together. Boncao was unsure when he lost his salacot but recognized it as his own. In another statement, he mentioned that while he was on top of Marcos Untalán, Benoligo and Panday were beside him, urging him to kill. Eventually, Boncao admitted that it was likely the other convicts also struck Marcos with their machetes, as evidenced by the blood on the blades, which they cleaned afterward.

Benoligo, whose full name was Mariano Peñaflor y Benoligo but was commonly known by his maternal surname, was also interrogated on the same day. He acknowledged being aware that he was being interrogated regarding the fight that occurred the previous morning between Boncao and an unidentified man (Marcos Untalán).<sup>28</sup> However, Benoligo claimed to have no knowledge of the incident because he was far away from where

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<sup>28</sup> This question of Benoligo's awareness on what was going on, was made only to him. It could be an indicator that an undetermined and unrecorded special factor should be taken into consideration for him. He may have been mentally handicapped, since in the final sentence there was an appeal by the Spanish defendant to lessen Benoligo's sentence "out of piety", as seen later in the paper.

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it took place. According to him, on the morning of December 1, Boncao, Panday, and him went to Marcos Untalán's ranch and requested permission to cook their breakfast. The woman at the ranch, accompanied by a girl, told them to wait for her husband's permission. After some time, Boncao returned to where Panday and Benoligo were waiting, and they left the ranch while Marcos went back to his work. That was all Benoligo could say.

As the Judge grew increasingly impatient, he confronted Benoligo directly, questioning why he had been providing elusive answers. The Judge proposed alternative scenarios instead, suggesting that Marcos Untalán may have run away in response to something Rufino Boncao said, and that Untalán was chased by Boncao, Panday, and Benoligo before being struck with a machete blow to the head around 500 pasos later, inflicted by Boncao.

Benoligo claimed he didn't know the answer to the Judge's inquiries. The Judge further suggested that once the victim fell to the ground, Boncao went on top of him but was hit by another man with a fociño, after which Panday and Benoligo ran after that man. Benoligo responded by saying he only heard Panday screaming "Rufino, Rufino!" and denied witnessing Marcos Untalán hitting Boncao with a crossbar.

During the presentation of his clothes from that day, Benoligo admitted they were his and that he had been wearing them on December 1. However, he claimed that the stains on the clothes were not blood but rather betel nut stains. He also mentioned that his surname was Peñafior and wondered about why people knew him by his maternal surname, Benoligo.

Simón Panday was interrogated for the second time. During his initial interrogation, he stated that Boncao, Benoligo, and he had left Rosauero Ungpinco's ranch to cut bamboo. Boncao later returned, claiming to have killed a man. Panday declared that he didn't know Marcos or his family and wasn't present at the ranch, so he was unaware of what had happened. The Judge challenged Panday's statement, suggesting that they had actually gone to Marcos Untalán's ranch to ask for permission to cook breakfast and later followed him to the place where he was working. The Judge proposed that they chased Untalán, who was wounded while they yelled "hala hala" at Boncao. Panday denied this version, stating it wasn't

true. He also denied witnessing Marcos Untalán hitting Boncao with a crossbar or another man hitting Boncao with a fociño. Panday insisted that the stains on his clothes were not blood.

The subsequent confrontations between the suspects—Boncao, Benoligo, and Panday—revealed further contradictions among them. When Boncao confronted Benoligo, he asked if it wasn't true that they were all together while assaulting Untalán. Boncao claimed they were not only next to him but also screaming “kill him, kill him!” and using their own machetes to strike the victim. Benoligo eventually admitted to being present but denied personally striking the victim. The second and third confrontations, between Panday and Boncao, and between Panday and Benoligo, were less productive than the first. Panday adamantly refused to admit any involvement and insisted on his own version of events, which contradicted the other testimonies. By then Boncao was providing increasingly detailed information about the crime and the involvement of the other two.

### **Confession and Exposure**

Boncao attested that on the morning of the crime, they went to Marcos Untalán's ranch because Untalán was known to Benoligo and Panday. After being denied permission to cook their breakfast and leaving, Panday questioned whether they should retaliate for the offense. Boncao challenged Panday to do something if he wasn't satisfied. Panday's response was: “*Ano, hindi lalaqui cayo? Maciron cayo tatacot? Walag cayon bayag anu hindi papataing cay Marcos?*”, which the judiciary secretary translated as “What is this, aren't you men? Are you scared? You don't have balls if you don't kill Marcos”.<sup>29</sup> According to Boncao's confession, after returning to Untalán's ranch, he asked Untalán if he was upset about their previous request. Benoligo then intervened, stating, “so much talk but you don't do anything.” This made Untalán realize he was in immediate danger and started running away, with the three convicts in

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<sup>29</sup> The quotes in Tagalog reveal that the lack of proficiency of the secretary/scribe was not limited to Spanish language. In a more grammatically correct Tagalog the lines could read: *Hindi kayo mga lalaki? Natatakot ba kayo? Wala kayong bayag. Kung hindi ninyo papataying si Marcos.*

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pursuit. Boncao claimed that during the chase, both Panday and Benoligo were hitting Untalán with their machetes. But once Untalán fell to the ground and Boncao was on top of him, he was uncertain if the others also continued to strike the victim. Untalán fought back, trying to defend himself from the machete blows. After the blows, when Boncao finally stood up, one of the others said “it seems he is still alive,” to which Boncao responded “better leave him”. Allegedly the other two returned to the site where Untalán was laying. Boncao declared he couldn't see if they hit him again with the crowbar. Following the killing, they left the ranch, exchanged the machetes they had just cleaned with leaves they found along the way, and headed to the Rancho de Tamuning. On their journey, they encountered another convict named Manuel Ceñido. Boncao instructed everyone to return to Tumon, to the ranch of Ungpinco.

Benoligo's own statement confirmed Boncao's confession. Benoligo added that Untalán had insulted them while refusing permission to cook breakfast, using language like “Sons of a bitch, may a lightning bolt strike you!” Benoligo admitted to challenging Boncao by saying, “so much talk but you don't do anything, kill him already!” He also admitted to shouting “kill him, kill him” and pursuing Untalán like the others but denied personally striking Untalán with a machete. In a subsequent declaration, Panday finally admitted being present at the rancho during the murder, but still denied taking part in it. He provided yet another version of the events. According to him, Untalán refused to give them permission to enter his rancho due to prohibitions outlined in the Bandos, because tools frequently went missing whenever convicts entered farmsteads. Supposedly, Untalán responded, “If you want to cook, go ahead. It's up to you,” before walking away toward his crops. The three convicts subsequently left as well, but after a short while, Boncao exclaimed, “Wait, I'm going to strike Untalán with a machete for refusing us preparing our breakfast.” According to Panday, he and Benoligo attempted to dissuade Boncao from doing so.

Further contradictions emerged from Panday's statements during subsequent cross-examinations. After another interrogation with Boncao, Panday claimed to have been present at the rancho but insisted that he did not participate in the murder. He argued that the bloodstains on his clothes were likely a result of his partners Boncao and Benoligo's bloodied

attire. Eventually, in another declaration, Panday finally confessed to fully participating in the crime, aligning his account with that of the other two. He added details about the victim's attempt to fight back, mentioning how Untalán's son struck Boncao with a fociño. Initially, they had agreed that Boncao would shoulder the blame alone, but eventually, Boncao confessed everything, leaving no reason for Panday to continue pretending.

Overall, the initial witness statements were now substantiated by the confessions, which included the fact that Manuel Ceñido, the fourth convict initially present at the rancho, had no involvement whatsoever. He had simply remarked, "What a bad habit this man has. It seems incredible that we are fellow countrymen," when Untalán denied them permission to cook breakfast. That was the extent of Ceñido's involvement.

The Comandante del Presidio provided the revealing criminal records of the suspects. Boncao had received a ten-year sentence for assault, murder, injury, and illegal detention in a 1878 decision of the Court of Capiz in the Philippines. This sentence was extended in 1883 by an additional eight months of public works. Benoligo's criminal record showed a ten-year sentence for murder and resisting authority, handed down by the Court of Iloilo in 1876. Simón Panday had also received a ten-year sentence for murder since 1869 (likely a typo for 1879), issued by the Court of Barotac Viejo. The *Comandante del Presidio de Agaña* certified that during their time in Guam, all four of them had exhibited good conduct.

### **Prosecutor and Defense Have the Floor**

It was now time for the prosecutor to make his petition. Based on the proven facts and the criminal records of the four accused, the prosecutor requested a death sentence by *garrote vil* for them. Additionally, he requested joint compensation to be paid to the heirs of Untalán in the amount of 200 pesos for damages, and for each of the culprits to individually cover one-fourth of the costs of the legal proceedings. As for Manuel Ceñido, the prosecutor requested absolution.

The defense of the accused, likely conducted ex officio by one of the Spanish officers posted at the time in Guam or by the *Secretario Asesor Letrado* (Secretary-Legal Advisor) of the Governor, aimed to mitigate the

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severity of the forthcoming sentence. He requested any sentence other than death for Rufino Boncao. Similarly, for Benoligo the defense requested a sentence other than death, citing “piety” as the reason. And lastly, for Manuel Ceñido, the defense asked for absolution.

Judge Llácer, having carefully considered the evidence, testimonies, and proven facts, delivered the judgment. It was determined that the crime of murder, as defined in Article 333 of the 1850 Penal Code and Article 418 of the 1870 Penal Code, had been demonstrated. The existence of the *corpus delicti* itself, along with the spontaneous confession made by the accused, proved the crime beyond a reasonable doubt. It was also established that their confession was not coerced or the result of a mistake by the accused (*non por premia* and *non por yerro*).

Furthermore, premeditation was proven through the testimonies of witnesses and the confessions of the suspects. After leaving Untalán's rancho, they discussed their plan and agreed to kill him. Although their conversation was brief, the nature of their discussion qualified as premeditation, and their confession explicitly referred to their planning: they initially walked away from the rancho, discussed the attack, and then returned to commit the murder.

All in all, the judge established that they confessed to the actual crime during a legal trial and in front of him as Judge, thus meeting the legal requirements for a valid confession under the Spanish penal code.

The Judge also ruled that the crime was committed with *alevosía*, treachery, or malice aforethought, which refers to inflicting harm on a victim while ensuring they cannot defend themselves. The cruelty inflicted on the victim, with fourteen additional wounds in addition to the four fatal ones, was considered an aggravating circumstance. Additionally, based on Benoligo's attack on José Untalán to prevent him from defending his father, the Judge ruled attempted homicide.

The possibility of the murder being a result of a sudden outburst following the alleged insults had been ruled out, but an aggravating circumstance was present: all the accused were repeat offenders serving sentences for previously committed murders. As a result, within the range provided by the penal code, the penalty had to be at its maximum degree: death.



## **THE SENTENCE**

“I hereby deliver my ruling:

Firstly, I declare that based on the presented and proven facts, the crimes committed do indeed constitute aggravated murder with the circumstance of known premeditation.

Secondly, Rufino Boncao y Bonilla, also known as Binoy; Mariano Peñaflor y Benoligo, who is additionally guilty of attempted murder; and Simón Panday, are the responsible and convicted perpetrators of the aforementioned crime.

Thirdly, that the aggravating circumstances applicable to all three accused individuals in the commission of the murder are premeditation, cruelty, recidivism, and the special circumstance specified in Article 123 of the 1850 Penal Code. No exemption or mitigating circumstances are worthy of consideration.

Fourthly, regarding Mariano Peñaflor y Benoligo's guilt for attempted murder, the aggravating circumstances of recidivism, including the special circumstance mentioned in Article 123, concur, without any mitigating circumstances present.

Fifthly, it has been sufficiently proven that Manuel Ceñido had no involvement in the events of this case.

Therefore, based on the aforementioned:

I hereby condemn Rufino Boncao y Bonilla, Mariano Peñaflor y Benoligo, and Simón Panday as perpetrators of the crime of aggravated murder, without any mitigating circumstances, to the penalty of death by garrote vil. They are also jointly ordered

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to pay compensation of 200 pesos to the heirs of Marcos Untalán and individually responsible for one-fourth of the legal costs.

I hereby absolve and acquit Manuel Ceñido de la Cruz, as he has been found innocent of any participation in the crime.

In the event that Mariano Peñaflor y Benoligo obtains a pardon from the death penalty, I sentence him to two years of imprisonment for the charge of attempted murder.

The machetes numbered 2, 4, and 5 are declared forfeit due to their prohibited use and will be destroyed. Machetes numbers 1 and 3 will be returned to their owner, Rosauro Ungpinco, while the crowbar, clothes, and hat will be returned to the heirs of Marcos Untalán.

This sentence, whether appealed or not, will be sent for consultations to the Superior Criminal Court of the Real Audiencia for this territory. The original document will be submitted through the Illustrious President of the said Court after notifying and summoning the relevant parties within the specified time frame. This serves as the definitive judgment, ordered and signed by myself, as attested by the undersigned.

Joaquín María Llácer y Martín.

Clerk: José Moreno.

[In the City of Agaña, on December 27, 1886]"

Garrote, a method of execution developed in Spain and its colonies, was considered a swift and supposedly more humane way to cause death without bloodshed. According to Spanish legal practice at the time, executions were required to be carried out in the province where the crime was committed. However, there is only one recorded instance of a garrote execution taking place in the Mariana Islands, which occurred in 1863.

Death sentences were commuted more frequently than one might expect. In the trial of the murderers of Marcos Untalán, once the case was reviewed in the High Court of Manila, the ultimate verdict commuted the death penalty to a ten-year prison term. Furthermore, the compensation awarded to the heirs of the victim was reduced to 100 pesos.<sup>30</sup> The final whereabouts of the four sentenced men would necessitate further investigation, considering the sentence itself was far from concluding the saga of the murder: Rufino Boncao remained in Guam to serve his newly imposed ten-year prison sentence. But on January 20, 1891, he executed a daring escape from Agaña's penitentiary. Having such a dangerous criminal on the run prompted the then-Governor Vara de Rey to issue a "most urgent circular order," warning all district officers and village mayors of the imminent danger. A reward of 4 pesos was offered to anyone providing information on the escaped convict Rufino Boncao, "42 years old, short stature, shaven head", and those found aiding or sheltering him would face the penalties prescribed by the existing code.<sup>31</sup>

As for the surviving family of Marcos Untalán, after the initial sentence and the final compensation of 100 pesos was granted, the time had come to embark on a new chapter of their lives. Most of them resettled in Yap for a while, at the then-newly established colony of Santa Cristina de Yap, where anyone with professional skills, knowledge of Western practices and Spanish administration was welcomed. Many decades later, back in Guam, Filomena "Menang" Untalan would still reminisce about her youth in Yap to her grandson, Joseph Mendiola Palomo. It appeared as if earlier, painful recollections of a tragic morning in To'to had been shrouded by the soothing passage of time, replaced by happier memories, such as those from Yap.

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<sup>30</sup> NAP, Expedientes Gubernativos. SDS-14747,241.

<sup>31</sup> LCW, Reel 4. Item 20. PDF p. 367. Circular of Governor Vara de Rey to the Gobernadorcillo of Agaña and other authorities of the barrios. Agaña, January 21, 1891.

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