

[G.R. No. 1046. March 21, 1903]

**THE UNITED STATES, COMPLAINANT AND APPELLEE VS. FELIX
MANALANG, DEFENDANT APPELLANT.**

D E C I S I O N

TORRES, J.:

It is a fact, fully proven in the present case, that on the afternoon of July 11, 1902, Felix Manalang, a member of the Constabulary forces stationed in the Province of Pampanga, went with two companions to the house of Tomas Lacsamana, situated in Bacolor, in search of a revolver. Lacsamana denied that he had such a weapon in his possession. He was thereupon seized and stretched on the ground and tortured by being compelled to swallow water, which was forced into him through a piece of cane placed in his mouth. In the course of the proceedings his assailants broke one of his teeth. He was then taken to one of the stations in the town of Santa Rita, where he was kept until the night of the 12th following. On this date the defendant obtained from Ines Garcia, the wife of Lacsamana, the delivery of the sum of 15 pesos, which Eugenio Tayo, by order of the accused, demanded from Lacsamana's wife as a condition of his liberation. She was told that if she did not pay the sum of money it would go hard with her husband. This sum, which Felipe Garcia loaned Lacsamana's wife, having been received by the accused, one of his companions, Felix Alejo, Avent to the station and told Lacsamana that he might go, which he did. The delivery of the money to Manalang, on the night of July 12, 1902, was witnessed by the wife of the complainant, by Eugenio Tayo, and by Catalino Lacsamana. Pedro de Jesus, member of the municipal council for the barrio of Potrero, reported these facts to the municipal president of the town, who, in turn, reported them to the provincial fiscal, and the latter thereupon filed the information upon which this case is prosecuted.

These facts, which are fully proven by the evidence, constitute the offense defined and

punished by section 19 of Act No. 175, passed July 18, 1901. The defendant, a member of the Constabulary, by means of the persecution, ill treatment, and arrest of Tomas Lacsamana obtained the sum of 15 pesos, which the said accused converted to his own use, holding tin; complainant in his custody until this sum was paid, thereby committing the crime defined and punished by the said law.

The accused pleaded not guilty to the charge, but, notwithstanding his denial and exculpatory allegations, which are entirely unsupported by evidence, the record sufficiently discloses his guilt. The fact that the complainant was ill treated and tortured by being compelled to swallow a considerable quantity of water through a bamboo thrust into his mouth, and in which proceeding one of his teeth was broken; that Tomas Lacsamana was unlawfully imprisoned for more than twenty-four hours in a barrio police station without having been taken before any proper authority; that the defendant demanded the sum of 15 pesos from the wife of the complainant as a condition to his release and did not liberate him until the money was paid, are facts which are fully established by the evidence in the case. It follows, consequently, that the defendant, Felix Manalang, is the author, by direct participation, of the crime prosecuted, and that he has incurred the penalty prescribed by section 19 of Act No. 175, above referred to.

The counsel for the defendant contends that the information was defective by reason of its failure to state that the accused at the time of the commission of the offense was an officer or member of the Constabulary forces, this being essential for the existence of the crime prosecuted. This objection is unavailing, as no exception was taken to this defect by counsel for the defendant in the court below, in which it might have been successfully raised by demurrer. Furthermore, the objection is not well taken, because the defendant was arrested, appeared before the judge, and was present throughout the trial, and even testified in his own behalf as a member of the Constabulary, without having denied his character as such, or making any objection to being so considered and prosecuted. Therefore such a defect does not vitiate the proceedings, nor has it prejudiced any essential right of the defendant. For those reasons this objection, raised in the appellate court, does not constitute sufficient ground for the annulment of the proceedings below or the reversal of the judgment.

The offense punished in section 19 of Act No. 175 is complex and consists of various acts specified by the law, all of which are included in the punishable act to which the law refers. For this reason it is not strange that an information charging the offense punished by the law should contain a statement of the various acts which constitute an integral part of the

crime in question.

For these reasons, therefore, and considering that the commission of the crime prosecuted and the guilt of the defendant are fully established by the record, the judgment appealed should be affirmed, with the penalty therein imposed upon the defendant, and with the costs of this instance against him. So ordered.

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

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