

4 Phil. 168

[ G.R. No. 1827. January 25, 1905 ]

**THE UNITED STATES, COMPLAINANT AND APPELLEE, VS. LEONARDO SANTIAGO, DEFENDANT AND APPELLANT.**

**D E C I S I O N**

**JOHNSON, J.:**

The defendant in this case was charged with the crime of illegal detention, in that he did, on the night of the 1st day of September, 1903, in the pueblo of Santa Isabel, Province of Bulacan, voluntarily and criminally sequester one Prudencio Balagtas and illegally detain him for more than twenty days, in which act of sequestration he was aided by a band of five other armed persons.

The defendant was tried by the judge of the Court of First Instance of the Province of Bulacan on the 19th day of February, 1904, and was sentenced to be imprisoned for the period of eleven years of *prision mayor*, and to pay 500 pesos as indemnity to the wife of Prudencio Balagtas, and to pay the costs, in accordance with the provisions of article 481 of the Penal Code. From this decision the said defendant appealed to this court.

The testimony shows that on or about the night of the 4th of September, 1903, the defendant, with five companions, went to the house of Prudencio Balagtas, in the pueblo of Santa Isabel, Province of Bulacan, entered the house of the latter, and took and carried him away, and that up to the time of the trial of the said cause (February 19, 1904) none of the members of the family of the said Prudencio Balagtas had seen him or heard from him; that at the time the defendant and his five companions entered the house of Prudencio Balagtas and

carried him away the defendant was armed with a revolver and one of his companions was armed with a gun.

The defendant was the only witness offered for the defense. The only defense which he offered was that of an *alibi*.

The court below, after hearing the evidence in said cause, found the defendant guilty of the crime charged in said complaint, with the existence of the aggravating circumstances of superiority and nocturnity, and that the crime was committed with the aid of other armed persons.

The attorney for the defendant, in his brief in this court, alleges that in the decision of the court no error had been committed sufficient to justify the appeal of the defendant.

Upon examination of the proof presented in said cause we find that the sentence of the judge of the Court of First Instance of the Province of Bulacan should be affirmed. So ordered.

*Arellano, C.J., Torres, Mapa, and Carson, JJ., concur.*

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