

4 Phil. 234

[G.R. No. 2203. February 28, 1905]

**THE UNITED STATES, COMPLAINANT AND APPELLEE, VS. DOMINGO SALCEDO,
DEFENDANT AND APPELLANT.**

D E C I S I O N

JOHNSON, J.:

The defendant was charged with the crime of *bandolerismo* and was sentenced by the judge of the Court of First Instance of the Province of Ambos Camarines to twenty years imprisonment (*de presidio*), and to pay the costs. The defendant appealed from said decision to this court.

The attorney appointed for said defendant *de officio* to represent him in this court presents two objections why said sentence should not be affirmed by this court, as follows:

- (1) That the complaint is insufficient; and
- (2) That the proof is insufficient to support the sentence imposed.

The complaint alleges—

“That the defendant during a period after the 12th day of November, 1902, conspired with more than three persons and formed a band of ladrones in the mountains of Buhi, of the Province of Ambos Camarines, with the object of stealing carabaos and other personal property by means of force and violence, and went out on the highways and roamed over the country, armed with deadly weapons, for the purpose of stealing carabaos and other personal property, contrary to law.”

The attorney for the defense alleges that the complaint is

insufficient for the reason that it does not comply with the requirements of paragraph 3 of section 6 of General Orders, No. 58.

Paragraph 3 of section 6 of said order provides that a complaint or information is sufficient if it shows “the acts or omissions complained of as constituting the crime or public offense in ordinary and concise language, without repetition, not necessarily in the words of the statute but in such form as to enable a person of common understanding to know what is intended and the court to pronounce judgment according to right.”

The complaint filed in this case charged the commission of the offense of *bandolerismo* substantially in the language of the statute. Said paragraph 3 implies that a complaint will be sufficient if it charges the crime in the language of the statute. It says that the complaint need not necessarily be “in the words of the statute,” implying that it would be sufficient if the crime were set out in the language of the statute.

Offenses created by statute, as well as offenses at common law, must be accurately and clearly described in the complaint. No complaint, whether for a statutory crime or a crime at common law, will be held to be good if it does not accurately and clearly allege all of the ingredients of which the offense is composed. In other words, the complaint must state all the facts and circumstances which go to make up the offense as defined in the statute or by the common law so as to bring the defendant precisely within it. The statute defining *bandolerismo* makes the following facts necessary to constitute the crime:

(1) There must be three or more persons.

(2) These persons must conspire together for the purpose of forming a band of robbers for the purpose of stealing carabaos or other personal property by means of force and violence.

(3) They must go out upon the highway and roam over the country armed with deadly weapons for the

purpose of stealing carabaos or other personal property. (Act No. 518 as amended by Act No. 1121.)

The complaint alleges—

- (1) That the defendant, with two or more persons, conspired together to form a band of ladrones in the mountains of Buhi, Province of Ambos Camarines.
- (2) That the defendant and his companions formed such conspiracy for the purpose of stealing carabaos and other personal property by means of force and violence.
- (3) That the defendant and his coconspirators went out upon the highways and roamed over the country armed with deadly weapons.

A complaint will be sufficient if it describes the offense in the language of the statute whenever the statute contains all of the essential elements constituting the particular offense. Of course it need not be stated that the names of the parties and the time and place of the commission of the offense must also be alleged in connection with the description of the offense. The complaint in said cause is substantially in the language of the statute defining and punishing *bandolerismo*, and the said statute contains all of the essential elements necessary to constitute the crime of *bandolerismo*. The complaint is therefore sufficient.

The attorney for the defendant alleges further that the evidence is insufficient to support the complaint. An examination of the evidence adduced during the trial of the cause fails to show that the defendant and his companions had conspired together for the purpose of stealing carabaos and other personal property. Neither does the evidence show that the defendant and his companions had gone out on the highways and roamed over the country for this purpose. Not only must the complaint describe all of the essential elements constituting the crime)but the proof adduced during the trial in order to convict the defendant of the crime charged must be sufficient to sustain such allegation. This court

has, in numerous decisions, presumed that persons who were charged with the crime of *bandolerismo* had conspired together for the purpose of stealing carabaos and other personal property from the fact that they had gone out upon the highways and roamed over the country armed with deadly weapons and had actually stolen carabaos and other personal property. In this case the evidence is not sufficient to justify the court in reaching such a conclusion.

It is the judgment of this court, therefore, that the evidence adduced during the trial of said cause is not sufficient to support the charges, and the sentence of the lower court is therefore reversed and the defendant is hereby dismissed from the custody of the law, with costs *de officio*. So ordered.

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