

[G.R. No. 1714. April 14, 1905]

THE UNITED STATES, COMPLAINANT AND APPELLEE, VS. ESTEBAN LOGARIO ET AL., DEFENDANTS AND APPELLANTS.

D E C I S I O N

JOHNSON, J.:

These defendants were charged with the crime of *bandolerismo*, as follows:

“That on or about the 12th day of December, 1902, and at various dates between said date and the — day of April, 1903, in the Province of Rizal, Philippine Islands, the above-mentioned defendants did willfully, unlawfully, and feloniously conspire with Luciano San Miguel, Ciriaco Contreras, Faustino Guillermo, Apolonio Sampson, and others whose names are unknown, to form a band of robbers for the purpose of stealing carabaos and other personal property by means of force and violence; that the said Esteban Logario, Lucerio Bolaños, and Magno del Rosario, in the said Province of Rizal, were then and there confederated with the above-named persons and others whose names are to the undersigned unknown, for the purpose of stealing carabaos and other personal property by means of force and violence; that the said band of robbers did then and there, armed with guns, revolvers, and other deadly weapons, actually steal carabaos and other personal property by means of force and violence as aforesaid, and did go out upon the highways and roam over the country, armed with deadly weapons for the above-mentioned purpose; that the above-named defendants were within the police jurisdiction of the city of Manila during much of the period aforesaid, while they so conspired and confederated together to form a band of robbers for the purpose of stealing carabaos and other personal property by means of force and violence, and that the said defendants are now within the limits of the city of Manila, and within the jurisdiction of the Court of

First Instance of the city of Manila, having been captured and placed in arrest within the jurisdiction of said city of Manila, contrary to the statute in such case made and provided." [Signed and sworn to by Samuel Crawford.]

After hearing the evidence in said cause the judge of the Court of First Instance of the city of Manila found the defendants each guilty of the crime charged in the complaint, and sentenced each to the penalty of death. The case is now in the Supreme Court *en consulta*.

By an agreement of the prosecuting attorney of the city of Manila and the attorney of the defendants, this case was tried with the cause of the United States vs. Calixto Aquino et al. It was agreed by the attorneys that the same evidence should apply to each of the two causes.

An examination of the proof adduced during the trial of the said cause shows beyond reasonable doubt that the defendants are guilty of the crime charged in said complaint. The evidence does not, however, show that they had formed said band of robbers, or that they were chiefs or leaders of the same. The evidence does not show that they had taken any more part in the crime with which they were charged than the defendants Potenciano Comia and Urbano Villanueva, who were each sentenced to twenty-five years in cause No. 1713. We are therefore of the opinion that the defendants in this cause should be punished with the same penalty as that imposed upon Potenciano Comia and Urbano Villanueva. The sentence therefore imposed by the Court of First Instance is hereby reversed and the defendants are each sentenced to be imprisoned for the period of twenty-five years, and to pay one-third of the costs. So ordered.

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