

[G.R. No. 2815. September 11, 1906]

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. BRIGIDO SALVADOR AND ALFONSO CAGUINGUING, DEFENDANTS AND APPELLANTS.

D E C I S I O N

CARSON, J.:

Brigido Salvador and Alfonso Caguining were charged with the crime of *asesinato* and tried in the Court of First Instance of Manila. The information was dismissed as to Brigido Salvador, and as to him a judgment of acquittal was entered for lack of conclusive proof of his guilt. Alfonso Caguining was found guilty and sentenced to death, and the judgment of the trial court as to him is brought here *en consulta*.

The information charges that the crime was committed within the police jurisdiction of the city of Manila, and an examination of the record discloses that if committed at all it was committed at or near a place called San Francisco del Monte, which is beyond the city limits proper, although within "a zone surrounding the city on land of five miles in width," wherein certain limited jurisdiction for police purposes was conferred upon the city government of Manila by Act No. 183 of the Philippine Commission.

This court has repeatedly held that this act did not extend the jurisdiction of the Courts of First Instance of Manila so as to clothe them with jurisdiction over crimes committed within this zone. (*United States vs. Jenkins et al.*,^[1] 4 Off: Gaz., 523.) Adhering to those decisions, we are of opinion that the court which tried this case was without jurisdiction over the offense charged and that all the proceedings had at the trial were invalid and the sentence pronounced thereon was void and of no legal effect. The judgment and sentence brought here *en consulta* are reversed with costs of both instances *de officio*; but since it appears from the record that there are reasonable grounds to believe that Alfonso Caguining is guilty of the crime with which he was charged, and since that crime was a peculiarly atrocious and aggravated one, he will not be set at liberty but will be remanded to a court of

competent jurisdiction in accordance with the provisions of section 23 of General Orders, No. 58.

After ten days let judgment be entered in accordance herewith and the record returned to the court from whence it came, where such orders will be issued and such measures taken as may be necessary in the due execution of the judgment of this court. So ordered.

Arellano, C. J., Torres, Mapa, Willard, and Tracey, JJ., concur.

^[1] 5 Phil. Rep., 278.
