

Title: The United States v. John M. Flemister

Facts:

In *The United States v. John M. Flemister*, the appellant, John M. Flemister, was accused of grave physical injuries (*lesiones graves*) against one E. A. Hoosam on June 1, 1903, in the City of Manila, Philippine Islands. It was alleged that Flemister willfully, unlawfully, and feloniously attacked, wounded, and maltreated Hoosam with deliberate premeditation and vindictiveness. As a result of the injuries, it was claimed that Hoosam was disabled from following his usual occupation for more than eight days, which, under then Spanish Penal Code, constituted the crime of *lesiones graves*.

On October 21, 1903, the Court of First Instance of Manila found Flemister guilty of the crime with which he was charged and sentenced him to pay a fine of 1,000 pesetas and the costs of the suit.

Issues:

1. Whether the evidence adduced during the trial was sufficient to support the charge against Flemister for the crime of *lesiones graves*.
2. Whether the Court of First Instance erred in the application of the penalty for the crime of *lesiones graves* as prescribed by the Penal Code.

Court's Decision:

The Philippine Supreme Court affirmed the Court of First Instance's verdict that Flemister was guilty of the *lesiones graves*, agreeing with the lower court's finding that the defendant indeed willfully, unlawfully, and feloniously inflicted serious physical injuries upon E. A. Hoosam, disabling him from his usual occupation for a period exceeding eight days.

However, the Supreme Court found that the Court of First Instance erred in imposing the penalty. The crime should have been punished under Article 418 of the Penal Code with either *arresto mayor* (imprisonment from one month and one day to six months) or banishment (*destierro*) coupled with a fine ranging from 325 to 3,250 pesetas. Since the lower court imposed only a fine, it failed to include the mandatory penalty of *destierro*, as required by the law when imposing a fine for such offense.

The Supreme Court, exercising its authority as acknowledged in General Orders, No. 58, which governs the criminal procedure in the Philippine Islands, and the powers traditionally vested in it prior to American occupation, corrected the error of the lower court. The Court sentenced Flemister to four months of *arresto mayor* and to pay the costs of both instances.

Doctrine:

The decision in *The United States v. John M. Flemister* establishes the Supreme Court's authority to review and correct errors of law made by lower courts in imposing penalties under the Penal Code. It confirms that the Court has the power to render the judgment and impose the penalty that should have been applied by the Court of First Instance.

Historical Background:

The case reflects the judicial system during the American colonial period in the Philippines, where the Supreme Court had the authority to review criminal cases, either by appeal or consulta. The procedure and laws applied, including General Orders, No. 58, and the Spanish Penal Code, highlight the transitional justice system of the Philippines in the early 20th century, marked by a combination of American procedural rules and Spanish substantive laws. This case underscores the continuation of pre-American judicial practices, where the Supreme Court was empowered to correct penalties imposed by lower courts to align them with substantive laws.