

Title: The People of the Philippine Islands vs. Lol-lo and Saraw

Facts:

On or about June 30, 1920, two boats departed from Matuta to Peta, Dutch territories. In one boat was a lone individual, and in the other, eleven people, including men, women, and children—all Dutch nationals. After some days, as the second boat approached the islands of Buang and Bukid in Dutch East Indies, it was ambushed by twenty-four Moros in six vintas, demanding food. Once aboard, the Moros seized the cargo, assaulted the passengers, committed brutal violations against two women, and sabotaged the boat, expecting it to sink. However, the occupants survived after eleven days, while the women were taken and continuously violated.

Two of the Moro perpetrators, Lol-lo and Saraw, returned to South Ubian, Tawi-Tawi, in the Philippine Islands, where they were apprehended and charged with piracy in the Court of First Instance of Sulu. The defense raised a demurrer, questioning the court's jurisdiction and whether the facts constituted a public offense under Philippine laws. After the trial court overruled the demurrer and held a trial, both defendants were convicted and sentenced to life imprisonment. The trial court's decision also included restitution for stolen goods.

Issues:

1. Whether the elements of the crime of piracy as defined by the law were present in the defendants' actions.
2. Whether the Court of First Instance of the Philippines had jurisdiction over an act of piracy committed outside its territorial waters.
3. Whether the provisions of the Spanish Penal Code related to piracy remained in force in the Philippines after the transfer of sovereignty to the United States.

Court's Decision:

The Supreme Court held that all elements of the crime of piracy were met. Piracy is considered a crime against all mankind and may be punished in any competent tribunal where the offender may be found, the territorial limits of jurisdiction notwithstanding. The Court also determined that the Spanish Penal Code's provisions on piracy continued to be in force in the Philippines, following general rules of public law and specific applications by U.S. instructions and treaties. Upon weighing the aggravating and mitigating circumstances, the Court sentenced Lol-lo to death (considering the lack of unanimity in the vote with regard to Saraw, whose sentence by the trial court was maintained), and ordered

restitution.

Doctrine:

1. Piracy is a crime against all mankind (*hostes humani generis*) and can be punished by any nation where the alleged pirate is found or captured.
2. Provisions of the pre-existing Penal Code (in this case, the Spanish Penal Code) regarding crimes of universal jurisdiction remain in effect after a transfer of sovereignty, where not inconsistent with the new sovereign's constitution and laws.
3. The substitution of words "Spain" and "Spaniards" in the Penal Code with "United States" and "citizens of the United States and citizens of the Philippine Islands" after the Treaty of Paris effectively retains the applicability of the Spanish Penal Code provisions on piracy in the Philippines.

Class Notes:

- Elements of Piracy: robbery or forcible depredation on the high seas, without lawful authority, and with intent to steal (*animo furandi*).
- Jurisdiction of Piracy: has no territorial limits and is against humanity generally, so it may be punished by any state.
- Applicability of Old Penal Codes: They remain in force post-sovereignty transfer if not inconsistent with the new sovereign's laws.
- Treaties Influence on Domestic Law: By treaty (e.g., Treaty of Paris), prior penal provisions remain effective with suitable contextual substitutions concerning the sovereign state.
- Sentencing Considerations: In determining the penalty for piracy, mitigating and aggravating circumstances must be weighed, with the most severe crimes potentially warranting the death penalty as per local laws.

Historical Background:

The case reflects the period when American influence prevailed in Philippine legal systems following Spain's ceding of the Philippines to the United States by the Treaty of Paris in 1898. The case is set against the backdrop of early 20th-century sea piracy and exhibits the interplay between the Spanish colonial legal framework and American jurisprudence, the latter prescribing an approach to international norms, particularly regarding crimes that transcend national borders, such as piracy.