

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. JULIO GLORIA, DEFENDANT AND APPELLANT.

G.R. No. 1740. March 27, 1905

Ponente: CARSON, J.

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CARSON, J.:

Julio Gloria, the defendant in this case, was charged in the Court of First Instance of Pangasinan with an "attempt" to commit the crime of bribery.

It appears that the said Gloria was an unsuccessful candidate for election as president of the town of Bayambang, at the municipal elections held on the 1st of December, 1903; that on account of alleged irregularities he filed a protest with the provincial board of said province against the confirmation of the election of the successful candidate; that after the filing of said protest and while the same was being considered by the provincial board, the said Julio Gloria approached the treasurer of said province, a member of said board, and offered and promised to give him the sum of 200 pesos if he would "lend his aid and support to the said protest."

There was no dispute as to the facts, which were admitted at the trial, and the only question raised by the appellant is whether the said offer is or is not an offense defined and penalized in the Penal Code. It is urged that the said offer was a mere proposal to commit a crime, and that under the provisions of article 4 such proposals can only be punished in cases where specific authority therefor is to be found in the Penal Code, and that there is nothing in said code which penalizes a proposal to commit the crime of bribery.

We think, however, that in the case in question the proposal was in fact an "attempt" as defined in article 3 of said code, wherein it is said that "there is an attempt when the guilty person makes a beginning in the commission of a crime by direct, overt acts and does not perform all of the acts of execution which constitute the crime, by reason of some cause or action other than his own voluntary assistance;" the accused, having made an offer of money for the purpose of bribery, can not be said to have made a mere proposition, as the offer of money is an overt act in a crime of this nature, and its refusal on the part of the official whom it was proposed to bribe alone prevented the consummation of the crime.

The sentence appealed from should be confirmed. So ordered.

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

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