

THE PEOPLE OF THE PHILIPPINE ISLANDS, PLAINTIFF AND APPELLEE, VS. MORO HASSAN ET AL., DEFENDANTS. MORO HASSAN, APPELLANT.*G.R. No. 22013. July 31, 1924*

Ponente: ROMUALDEZ, J.

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The appellant attacks the judgment of the Court of First Instance of Jolo convicting him and his co-defendants of brigandage, and sentencing each of them to twentyyears' imprisonment, to return the things robbed or to pay their value and the costs, alleging that the trial judge erred in finding that the appellant was a member of the band headed by Maharajah Mahang; in finding that the appellant took part in the robberies and other illegal acts committed by said party under Mahang's command; and in finding the appellant guilty of brigandage.

It is a fact alleged and proven that in the year 1921, within the jurisdiction of the Province of Jolo, Maharajah Mahang and others conspired, associated and formed several parties of brigands and engaged in brigandage, such as is defined and punished by the law.

The question at issue in this appeal is as to the participation of the appellant "moro" Hassan in one of the aforesaid parties of brigands commanded by Maharajah Mahang. From the testimony of Tabong, a convicted member of said party, it appears that Hassan, the herein appellant, is one of those who have been in Bawisan in company with Maharajah Mahang and his party of brigands, and that there said appellant, together with the others, swore to accompany Maharajah Mahang in robbing, killing the soldiers and opposing the establishment of schools (fols. 43-52, st. n.).

The witness Among testifies that he went with the brigands, Hassan and others (fols. 93 and 97, id.). Lieutenant Ballesteros of the Constabulary testified to having seen the appellant in company with Maharajah Mahang in an encounter between the Constabulary soldiers and that party of brigands (fol. 15, id.). This testimony is corroborated by Felix Habalo, a Constabulary corporal. The testimony given by the witness, Lieutenant Sevilla of the Constabulary, concerning the encounters he had had with Hassan and his party, is corroborated by the testimony of the appellant Hassan himself (fols. 80, 81, id.).

We find the participation of the appellant in one of the parties of brigands headed by Maharajah Mahang to have been proven beyond a reasonable doubt. This is sufficient for convicting the appellant, inasmuch as once these facts are proven, it is not necessary to prove that a particular member of the party has committed the acts constituting brigandage (sec. 2, Act No. 518). The fact that the appellant had been with the party which killed Lieutenant Tigno of the Constabulary in Parang on the night of September 25, 1921, is no argument against his being convicted of brigandage. Act No. 518, as amended by Act No. 2036, does not exclude from brigandage the fact that three or more persons, conspiring together, have formed a party of robbers for the purpose of robbing carabaos, etc., or for any other purpose by means of force and violence (sec. 1).

We see no merit in the assignment of errors, and find the guilt of the appellant, under the information and the

evidence, sufficiently proven beyond a reasonable doubt. The judgment appealed from is affirmed in all its parts with the costs against the appellant. So ordered.

Johnson, Street, Malcolm, Villamor, and Ostrand, JJ., concur.

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