

THE PEOPLE OF THE PHILIPPINE ISLANDS, PLAINTIFF AND APPELLEE, VS. CORNELIO BAYONA, DEFENDANT AND APPELLANT.

G.R. No. 42288. February 16, 1935

Ponente: VICKERS, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-42288/>

VICKERS, J.:

This is an appeal from a decision of Judge Braulio Bejasa in the Court of First Instance of Capiz, finding the defendant; guilty of a violation of section 416 of the Election Law and sentencing him to suffer imprisonment for thirty days and to pay a fine of P50, with subsidiary imprisonment in case of insolvency, and to pay the costs.

The facts as found by the trial judge are as follows:

"A eso de las once de la maiiana del dia 5 de junio de 1934, mientras se celebraban las elecciones generales en el precinto electoral numero 4, situado en el Barrio de Aranguel del Municipio de Pilar, Proviricia de Capiz, el aqui acusado fue sorprendido por Jose E. Desiderio, que era entonces el representante del Departamento del Interior para inspeccionar las elecciones generales en la Provincia de Capiz, y por el comandante de la Constabularia F. B. Agdamag que iba en aquella ocasi6n con el citado Jose" E. Desiderio, portando en su cinto el rev6lver Colt de calibre 32, No. 195382, Exhibit A, dentro del cercp que rodeaba el edificio destinado para el citado colegio electoral numero 4 y a una distancia de 22 metros del referido colegio electoral. Inmediatamente Jose" E. Desiderio se incaut6 del rev6lver eri cuesti6n.

"La defensa, por medio del testimonio de Jose" D. Benliro y de Dioscoro Buenvenida, trat6 de establecer que el aqui acusado paro en la calle que daba frente al colegio electoral numero 4 a invitaci6n de dicho Jose" D. Benliro y con el objeto de suplicarle al mencionado acusado para llevar a su casa a los electores del citado Jos6 D. Benliro que ya habian terminado de votar, y que cuando Uegaron Jose" E. Desiderio y el comandante F. B. Agdamag, el aqui acusado estaba en la calle. Desde el colegio electoral hasta el sitio en que, segun dichos testigos, estaba el acusado cuando se le quito" el revolver Exhibit A, hay una distancia de 27 metros."

Appellant's attorney makes the following assignments of error:

"1. El Juzgado a quo err6 al declarar que el apelante fue sorprendido con su rev6lver dentro del cerco de la casa escuela del Barrio de Aranguel, Municipio de Pilar, que fue habilitado como colegio electoral.

"2. El Juzgado a quo erro al declarar al apelante culpable de la infraccion de la Ley Electoral querellada y, por consiguiente, al condenarle a prision y multa."

As to the question of fact raised by the first assignment of error, it is sufficient to say that the record shows that both Jose E. Desiderio, a representative of the Department of the Interior, and Major Agdamag of the Philippine Constabulary, who had been designated to supervise the elections in the Province of Capiz, testified positively that the defendant was within the fence surrounding the polling place when Desiderio took possession of the revolver the defendant was carrying. This also disposes of that part of the argument under the second assignment of error based on the theory that the defendant was in a public road, where he had a right to be, when he was arrested. The latter part of the argument under the second assignment of error is that if it be conceded that the

defendant went inside of the fence, he is nevertheless not guilty of a violation of the Election Law, because he was called by a friend and merely approached him to find out what he wanted and had no interest in the election; that there were many people in the public road in front of the polling place, and the defendant could not leave his revolver in his automobile, which he himself was driving, without running the risk of losing it and thereby incurring in a violation of the law.

As to the contention that the defendant could not leave his revolver in his automobile without the risk of losing it because he was alone, it is sufficient to say that under the circumstances it was not necessary for the defendant to leave his automobile merely because somebody standing near the polling place had called him, nor does the record show that it was necessary for the defendant to carry arms on that occasion.

The Solicitor-General argues that since the Government does not especially construct buildings for electoral precincts but merely utilizes whatever building there may be available, and all election precincts are within fifty meters from some road, a literal application of the law would be absurd, because members of the police force or Constabulary in pursuit of a criminal would be included in that prohibition and could not use the road in question if they were carrying firearms; that people living in the vicinity of electoral precincts would be prohibited from cleaning or handling their firearms within their own residences on registration and election days;

That the object of the Legislature was merely to prohibit the display of firearms with intention to influence in any way the free and voluntary exercise of suffrage;

That if the real object of the Legislature was to insure the free exercise of suffrage, the prohibition in question should only be applied when the facts reveal that the carrying of the firearms was intended for the purpose of using them directly or indirectly to influence the free choice of the electors (citing the decision of this court in the case of *People vs. Urdeleon* [G. R. No. 31536, promulgated November 20, 1929, not reported], where a policeman, who had been sent to a polling place to preserve order on the request of the chairman of the board of election inspectors, was acquitted) ; that in the case at bar there is no evidence that the defendant went to the election precinct either, to vote or to work for the candidacy of anyone, but on the other hand the evidence shows that the defendant had no intention to go to the electoral precinct; that he was merely passing along the road in front of the building where the election was being held when a friend of his called him; that while in the strict, narrow interpretation of the law the defendant is guilty, it would be inhuman and unreasonable to convict him.

We cannot accept the reasons advanced by the Solicitor General for the acquittal of the defendant. The law which the defendant violated is a statutory provision, and the intent with which he violated it is immaterial. It may be conceded that the defendant did not intend to intimidate any elector or to violate the law in any other way, but when he got out of his automobile and carried his revolver inside of the fence surrounding the polling place, he committed the act complained of, and he committed it willfully. The act prohibited by the Election Law was complete. The intention to intimidate the voters or to interfere otherwise with the election is not made an essential element of the offense. Unless such an offender actually makes use of his revolver, it would be extremely difficult, if not impossible, to prove that he intended to intimidate the voters.

The rule is that in acts mala in se there must be a criminal intent, but in those mala prohibita it is sufficient if the prohibited act was intentionally done. "Care must be exercised in distinguishing the difference between the intent to commit the crime and the intent to perpetrate the act. * * *" (*U. S. vs. Go Chico*, 14 Phil, 128.) "While it is true that, as a rule and on principles of abstract justice, men are not and should not be held criminally responsible for acts committed by them without guilty knowledge and criminal or at least evil intent (*Bishop's New Crim. Law*, vol. I, sec. 286), the courts have always recognized the power of the legislature, on grounds of public policy and compelled by necessity, 'the great master of things', to forbid in a limited class of cases the doing of certain acts,

and to make their commission criminal without regard to the intent of the doer. (U. S. vs. Go Chico, 14 Phil., 128; U. S. vs. Ah Chong, 15 Phil., 488.) In such cases no judicial authority has the power to require, in the enforcement of the law, such knowledge or motive to be shown." (U. S. vs. Siy Cong Bieng and Co Kong, 30 Phil., 577.)

The cases suggested by the Solicitor-General do not seem to us to present any difficulty in the enforcement of the law. If a man with a revolver merely passes along a public road on election day, within fifty meters of a polling place, he does not violate the provision of law in question, because he had no intent to perpetrate the act prohibited, and the same thing would be true of a peace officer in pursuing a criminal; nor would the prohibition extend to persons living within fifty meters of a polling place, who merely clean or handle their firearms within their own residences on election day, as they would not be carrying firearms within the contemplation of the law; and as to the decision in the case of *People vs. Urdeleon*, supra, we have recently held in the case of *People vs. Ayre*, and *Degracia* (p. 169. ante), that a policeman who goes to a polling place on the request of the board of election inspectors for the purpose of maintaining order is authorized by law to carry his arms.

If we were to adopt the specious reasoning that the appellant should be acquitted because it was not proved that he tried to influence or intended to influence the mind of any voter, anybody could: sell intoxicating liquor or hold a cockfight or a horse race on election day with impunity.

As to the severity of the minimum penalty provided by law for a violation of the provision in question, that is a matter for the Chief Executive or the Legislature.

For the foregoing reasons, the decision appealed from is affirmed, with the costs against the appellant.

Avanceña, C.J., Street, Abad Santos, and Hull, JJ., concur.

Judgment affirmed.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.