

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. MARCELINO AQUINO BT AL., DEFENDANTS AND APPELLANTS.

G.R. No. 4638. September 07, 1908

Ponente: CARSON, J.

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CARSON, J.:

The accused were convicted of the crime of bandolerismo and sentenced to twenty years' imprisonment. The evidence of record conclusively establishes the finding of the trial court that the four accused, together with others, organized an armed band in the city of Manila, for the purpose of committing robbery in various dwelling houses in the city of Manila, and that they went out upon the streets of the city armed with deadly weapons in pursuance of this unlawful conspiracy.

Counsel for the appellants contends that the crime of bandolerismo, defined and penalized in Act No. 518, can not be committed where the object of the band is to commit robberies within the city of Manila, and its operations are limited to that city. This court has heretofore held otherwise (*U. S. vs. Tan Seco et al.*, 4 Phil. Rep., 382), and we are still of opinion that the crime of brigandage, as defined and penalized in section 1 of Act No. 518, is committed in all cases where three or more persons, conspiring together, form a band of robbers, for the purpose of stealing personal property, by means of force and violence, and go out upon the highways armed with deadly weapons for this purpose. The fact that such highways are situated within or without the limits of a town or city in no way modifies the character or legal definition of the offense, the word "highway," as used, in this Act, being substantially synonymous with the words "public thoroughfare," and as applicable to the streets in a town or city as it is to the roads in the country outside of towns or cities.

The judgment and sentence of the trial court should be and are hereby affirmed, with the cost of this instance against the appellants. So ordered.

Arellano, C. J., Torres, Mapa, Willard, and Tracey, JJ.

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