

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. SIDNEY LEE BAYLEES, DEFENDANT AND APPELLANT.*G.R. No. 4642. August 28, 1908*

Ponente: ARELLANO, C.J.

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On the 22d of December, 1907, the accused was in the saloon of Isabelo Reyes in Maytubig, municipality of Pasay. Nemesio Ilaya, a corporal of police, and two other policemen, Julio Salvador and Eugenio Wenceslao, went to the saloon in order to arrest the defendant Sidney Lee Baylees under a warrant issued by the justice of the peace of the said town. The order, of arrest was issued on account of another charge made against the said accused also for attempt against the agents of the authorities, committed on the night of the 5th of the said month of December. The policemen were in uniform, carried their clubs and revolvers, and Corporal Nemesio Ilaya carried with him the warrant for arrest which he served on the accused, telling him to follow them. This the accused refused to do, notwithstanding the fact that he understood what the corporal told him in Tagalog; he made the excuse that he wanted a Spanish interpreter to interpret the order of arrest to him. Afterwards he invited the corporal Nemesio Ilaya, to leave the saloon, and the man had hardly gone outside when he fired his revolver at him; the bullet went through the frame of the door where Nemesio was standing, and the accused then ran away after firing the shot.

The conclusions in the judgment are that the facts set forth were satisfactorily established by the evidence. As a matter of fact the testimony of Nemesio Ilaya, supported by Julio Salvador and Isabelo Reyes, fully prove the charge.

The accused knew that the parties who served the warrant were policemen; he admits that he understood what they said to him in Tagalog, and that they wanted him to go with them; he knew perfectly well that they came to arrest him on account of the attack of the 5th of December made upon three policemen, and which he attributes to two members of the Constabulary who were with him on that evening and who, having encountered the said policemen, fired their revolvers in the air, whereupon the policemen fled.

The crime was properly qualified by the court below as a criminal attempt against the agents of the authorities punished by article 249, No. 2, in connection with article 250, No. 1, of the Penal Code, without considering any mitigating or aggravating circumstances. The accused, Sidney Lee Bay lees, was sentenced to four years two months and one day of prision correccional and to pay a fine of 1,000 pesetas and costs, and, in case of insolvency in the payment of the fine, to subsidiary imprisonment at the rate of 12 ½ pesetas per diem.

The judgment being in accordance with the law and the weight of the evidence, the same is hereby affirmed in all its parts; provided, further, that the accused shall be sentenced to suffer the accessory penalties of the main penalty, and pay the costs of this instance. So ordered.

Torres, Mapa, Carson, Willard, and Tracey, JJ., concur.

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