

THE UNITED STATES, PLAINTIFF AND APPELLANT, VS. VICTOR SANTO NIÑO, DEFENDANT AND APPELLEE.

G.R. No. 5000. March 11, 1909

Ponente: WILLARD, J.

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WILLARD, J.:

Act No. 1780 is entitled as follows: "An Act to regulate the importation, acquisition, possession, use, and transfer of firearms, and to prohibit the possession of same except in compliance with the provisions of this Act."

Section 26 of this Act is in part as follows:

"It shall be unlawful for any person to carry concealed about his person any bowie knife, dirk, dagger, kris, or other deadly weapon: Provided, That this prohibition shall not apply to firearms in the possession of persons who have secured a license therefor or who are entitled to carry same under the provisions of this Act."

The amended complaint in this case is as follows :

"The undersigned accuses Victor Santo Niño of the violation of Act No. 1780, committed as follows:

"That on or about the 16th day of August, 1908, in the city of Manila, Philippine Islands, the said Victor Santo Niño, voluntarily, unlawfully, and criminally, had in his possession and concealed about his person a deadly weapon, to wit: One (1) iron bar, about 15 inches in length provided with an iron ball on one end and a string on the other to tie to the wrist, which weapon had been designed and made for use in fighting, and as a deadly weapon.

"With violation of the provisions of section 26 of Act No. 1780 of the Philippine Commission."

A demurrer to this complaint was sustained in the court below and the Government has appealed.

The basis for the holding of the court below was that-

"The words 'or other deadly weapon' only signify a kind of weapon included within the preceding classification. In other words, the rule of ejusdem generis must be applied in the interpretation of this law, which rule is as follows:

" 'The most frequent application of this rule is found where specific and generic terms of the same nature are employed in the same act, the latter following the former. While in the abstract, general terms are to be given their natural and full signification, yet where they follow specific words of a like nature they take their meaning from the latter, and are presumed to embrace only things or persons of the kind designated by them.'"

In short, the court below held that the carrying of a revolver concealed about the person would not be a violation of this Act. The rule of construction above referred to is resorted to only for the purpose of determining what the intent of the legislature was in enacting the law. If that intent clearly appears from other parts of the law, and such intent thus clearly manifested is contrary to the result which would be reached by application of the rule of ejusdem generis, the latter must give way. In this case the proviso to the Act clearly indicates that in the view of

the legislature the carrying of an unlicensed revolver would be a violation of the Act. By the proviso it manifested its intention to include in the prohibition weapons other than the armas blancas therein specified.

The judgment of the court below is reversed, and the case is remanded for further proceedings.

No costs will be allowed to either party in this court. So ordered.

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

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