

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. EDUARDO CALAGUAS, DEFENDANT AND APPELLANT.

G.R. No. 5237. September 01, 1909

Ponente: ARELLANO, C.J.

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ARELLANO, C.J.:

On the afternoon of the 20th of January, 1908, immediately following a dispute had with certain employees of the Manila and Dagupan Railroad, the accused, by means of a wrench, removed several screws and fish plates (plates used to secure the joints of the rails) from the line of the railroad near the municipality of Santa Rosa, Nueva Ecija, between the kilometer posts numbered 83 and 84; he thereby so damaged the line that a derailment would have occurred had it not been discovered in time. Such is the statement of the Attorney-General in his brief in this instance, and it is proven by three witnesses, two of whom were present and saw the occurrence.

The trial court sentenced the accused, Eduardo Calaguas, to three years of prison correctional, with an allowance of one-half of the period of his detention, to suffer the accessory penalties of the law, and to pay the costs. An appeal was interposed, counsel for the defense invoking the benefit of doubt in favor of the accused.

However, the evidence by which the trial court concluded that the accused was guilty, is not, as claimed by the defense, circumstantial.

"Crimes which are punished by special laws are not subject to the provisions of this code." (Art. 7, Penal Code.)

The act wrenching off screws and fish plates from the rails of a railroad line is punished by a special law — that which governs the policing and preservation of railroads, amended by the law of November 23, 1877, made applicable to the Philippines by the royal decree of August 6, 1875. In reality this provision relates to the law of November 14, 1855, one almost identical to that of 1877, article 16 of which reads:

"He who shall voluntarily destroy or damage a railway line * * * shall be punished with the penalty of prison correccional."

In view of the fact that the judgment appealed from is in accordance with the law, the same is hereby affirmed with the costs against the appellant. So ordered.

Torres, Johnson, Carson, and Moreland, JJ., concur.

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