

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. ANG SUYCO, ONG YAN CHUAN, AND LEON SIM CHUICO, DEFENDANTS AND APPELLANTS.

G. R. No. 5826. September 23, 1910

Ponente: JOHNSON, J.

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JOHNSON, J.:

These defendants were charged in the court of the justice of the peace of the pueblo of Basey, of the Province of Samar, with the crime of "attempt against the agents of the authorities."

After hearing the evidence the justice of the peace found the defendants guilty and sentenced them. From that sentence the defendants appealed to the Court of First Instance. In the Court of First Instance the fiscal presented a new complaint charging the defendants with the crime of "attempt against an agent of the authorities." The Court of First Instance, after hearing the evidence, found the defendants guilty of the crime charged in the complaint, and giving them the benefit of article 11 of the Penal Code, sentenced each to be imprisoned for a period of two years four months and one day of prison correccional, each to pay a fine of 625 pesetas, and in case of insolvency to suffer subsidiary imprisonment, with the accessories of the law, and to pay the costs, allowing each one-half of the time of imprisonment already suffered. From that sentence the defendants appealed to this court.

The sentence of the justice of the peace was null and void for the reason that the penalty provided for the crime charged in the complaint was beyond that which justices of the peace may impose. (U. S. vs. Diaz, 15 Phil. Rep., 123.) Justices of the peace have no jurisdiction to try persons under a complaint where the punishment for any offense included therein is for a longer period of imprisonment than six months or a fine of P200 or both such imprisonment and fine, (Sec. 4 of Act No. 1627 of the Philippine Commission.)

No objection whatever was made in the court of the justice of the peace against his jurisdiction. The failure of such objection, however, did not cure the lack of jurisdiction and render his sentence valid. Neither was there any objection presented in the Court of First Instance upon the ground that the justice of the peace did not have jurisdiction. The defendants voluntarily presented themselves to the jurisdiction of the Court of First Instance without objection. That court having jurisdiction of both the subject and the person had a right to proceed with the trial de novo.

We think that the above sufficiently answers the first assignment of error made by the appellants in this court.

With reference to the sufficiency of the evidence adduced during the trial, upon an examination of the same we are of the opinion and so hold that the evidence adduced during the trial was sufficient to show, beyond peradventure of doubt, that the defendants were guilty of the crime charged in the complaint, and therefore the sentence of the lower court is hereby affirmed, with costs.

Arellano, C. J., Torres, Moreland, and Trent, JJ., concur.

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