

**THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. MATEO NAVARRO, PEDRO C. LOPEZ AND TEOFILO OSORIO, DEFENDANTS.
– PEDRO C. LOPEZ, APPELLANT.**

G.R. No. 6254. February 07, 1911

Ponente: TRENT, J.

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TRENT, J.:

About dark in the evening of February 15, 1910, Pedro C. Lopez, Mateo Navarro, Teofilo Osorio, and Carlucio Alban entered the store of Dy-Yong, situated within the jurisdiction of the municipality of Dalaguete, Province of Cebu, and, after having entered this store, Lopez told the Chinaman, Dy-Yong, that he, Lopez, was an internal-revenue agent, and at the same time exhibited his badge. Immediately thereafter Lopez, assisted by Navarro, commenced to search the store, and after having examined the contents of certain boxes they pretended that they had found a small quantity of opium concealed in one of the boxes. The Chinaman denied the ownership of this opium, stating that he knew absolutely nothing about its being in that box. The accused and his companions then threatened to arrest this Chinaman and take him to the municipality on a charge of violating the Opium Law. The Chinaman protested his innocence and showed signs of refusing to submit to arrest. At that moment Navarro and Alban drew their revolvers and pointing them at the Chinaman told him to follow them. At this moment Lopez proposed to release the Chinaman and not report this charge against him if he would give them P400. The Chinaman could not pay this amount because he did not have the money, but he did pay Lopez the sum of P60 on condition that they would release him. After Lopez had received this sum they refused to release him but forced him to accompany them in the direction of the municipality. When but a short distance from the Chinaman's store, and in front of the house of one Santiago Caren, some one proposed that they enter Santiago's house. They did this and after having a talk with Santiago, Lopez again proposed to the Chinaman that they would release him on payment of P340 more. After considerable discussion they finally agreed to release him on condition that he pay them P200, which the Chinaman did, making in all P260 received by Lopez.

Subsequent to the commission of these acts Lopez, Navarro and Osorio were tried by the Court of First Instance of the Province of Cebu for the crime of robbery. Carlucio Alban was excluded from the complaint and used as a witness for the prosecution, Osorio was acquitted, and Lopez and Navarro were each sentenced to three years, eight months, and on day of presidio correccional, to the corresponding accessory penalties, to indemnify the offended party, Dy-Yong, in the sum of P260, to suffer the corresponding subsidiary imprisonment in case of insolvency, and to pay one-third of the costs. They appealed.

During the pendency of this case in this court Mateo Navarro withdrew his appeal and is now serving his sentence.

It has been established beyond any question of doubt that this robbery was committed in the manner above set forth. The judgment appealed from being in accordance with the law and the merits of the case, same is hereby affirmed, with the corresponding amount Of costs against the appellant. So ordered.

Arellano, C. J., Mapa, Carson, and Moreland, JJ., concur.

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