

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. CHUA MO, DEFENDANT AND APPELLANT.

G.R. No. 7969. October 05, 1912

Ponente: JOHNSON, J.

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JOHNSON, J.:

This defendant was charged with the illegal possession of opium, in violation of the provisions of the Opium Law.

After hearing the evidence, the Honorable A. S. Crossfield, judge, found the defendant guilty of the crime charged in the complaint, and sentenced him to pay a fine of P300 and the costs of the action, with subsidiary imprisonment in case of insolvency.

From that sentence the defendant appealed. The defendant alleged in his defense in this court that the Court of First Instance of the city of Manila did not have jurisdiction to try him; that the testimony adduced during the trial of the cause fails to show where the offense was committed.

The complaint filed in the present cause alleges that "on or about the 19th of March, 1912, in the city of Manila, Philippine Islands, the said Chua Mo, voluntarily, illegally and criminally was the owner and had in his possession and under his control" a certain quantity of opium.

The judge of the lower court, after hearing the evidence, made the following finding of facts:

"From the evidence presented at the trial, I find that internal revenue agents went to the place described as 717 Calle Sacristia in the city of Manila, and entering the premises there found the defendant, etc."

It appears, therefore, that the complaint charges that the crime was committed in the city of Manila. The judge who tried the cause found from the evidence presented that the crime was committed in the city of Manila. An examination of the evidence adduced during the trial shows simply that the internal revenue agents, on or about the 19th of March, 1912, entered the residence at 717 Calle Sacristia, etc., etc. There is nothing in the record which shows where or in what political division of the Philippine Islands the said residence at No. 717 Calle Sacristia is located. The judge of the lower court evidently took judicial notice of the fact that Calle Sacristia was one of the public streets of the city of Manila. We have then the question presented whether or not a trial judge can take judicial notice of the fact that a certain public street is located in a certain city or political division of the Philippine Islands. Section 275 of the Code of Procedure in Civil Actions (Act No. 190) provides:

"Matters judicially recognized. - The existence and territorial extent of states, and of the several islands forming the Philippine Archipelago, their forms of government, and symbols of nationality, the laws of nations, the admiralty and maritime courts of the world and their seals, the political constitution and history of the United States and of the Philippine Islands, the seals of the several departments of the Government of the United States, and of the States of the Union, and of the Philippine Islands, public and private, and official acts of the legislative, executive, and judicial departments of the United States and of the Philippine Islands, the laws of nature, and the measure of time, the geographical divisions and political history of the world, and all similar matters of public knowledge shall be judicially recognized by the court without the introduction of

proof; but the court may receive evidence upon any of the subjects in this section stated, when it shall find it necessary for its own information, and may resort for its aid to appropriate books, documents, or evidence."

In the case of *Marzon vs. Udtujan* (20 Phil. Rep., 232), this court held, under the provisions of section 275 above quoted, that the trial court had a right to take judicial notice of the fact that a certain municipality or barrio was within its jurisdiction.

In the present case the question presented is whether or not the trial court had a right to take judicial notice of the fact that a certain house, upon a certain street, was within a city in its jurisdiction. Said section 275 above quoted provides that trial courts may take judicial notice, among other things, of the geographical division of the state. Cities and municipalities are created by public law. Their limits are also prescribed by public law. The streets are laid out, surveyed and established by virtue of public authority. In the present case the complaint alleged that the crime was committed in the city of Manila. The court, in his findings of fact "from the evidence, found that the crime was committed in the city of Manila." We are of the opinion and so hold that the lower court was authorized, under the provisions of section 275, to take judicial notice of the fact that the house located at No. 717 Calle Sacristia, was located Within the city of Manila.

Mr. Justice Gray, of the Supreme Court of the United States, in the case of *Jones vs. United States* (137 U. S., 202) in discussing the right of the court to take judicial notice of territorial extent, said:

"All courts of justice are bound to take judicial notice of the territorial extent of the jurisdiction exercised by the government whose laws they administer * * * as appearing from the public acts of the legislature and executive, although those acts are not formally put in evidence nor are in accord with the pleadings." (U. S. vs. *Reynes*, 9 How., 127; *Kennett vs. Chambers*, 14 How., 38; *Hoyt vs. Russell*, 117 U. S., 401-404; *Coffee vs. Grover*, 123 U. S., 1; *State vs. Dunwell*, 3 R. L., 127; *State vs. Wagner*, 61 Me., 178; *Taylor vs. Barclay*, 2 Sim., 213.)

So far as the facts of the political organization and operation of the State are determined by law, they are judicially noticed as a part of the law. The chief difficulty comes in distinguishing between what is contained solely and abstractly in the law and what depends more or less on specific official acts done under the law or upon the application of the terms of the law to concrete things. Courts should be permitted to give a liberal interpretation to the law permitting them to take judicial notice of the facts mentioned in such laws, especially when a technical interpretation would have the effect of defeating the very purpose and object of the law. (Wigmore on Evidence, sec. 2575.)

In the case of *Master vs. Morse* (18 Utah, 21) it was held that courts might take judicial notice that a certain city had been surveyed into lots, blocks and streets and that judicial notice would be taken of such divisions.

In the case of "*The Apollon*" (9 Wheaton, 362-374) the Supreme Court of the United States held that "public facts of geographical divisions might be taken judicial notice of."

In the case of *Peyrox vs. Howard* (7 Peters, 324-342), the Supreme Court of the United States held that the court would take judicial notice of the fact that the port of New Orleans was within its jurisdiction, as depending on the ebb and flow of the tide.

In the case of *Board vs. State* (147 Ind., 476) the supreme court of the State of Indiana held that trial courts might take judicial notice of the area and boundary lines of a county.

The cases holding that courts may take judicial notice of the fact that certain towns are within the limits of the jurisdiction of the courts are almost innumerable. (*St. Louis I. M. & S. Ry. Co. vs. Magness*, 68 Mo., 289; *People vs. Etting*, 99 Cal., 577; *People Faust*, 113 Cal., 172; *State vs. Powers*, 25 Conn., 48; *Perry vs. State*, 113 Ga., 936;

Gilbert vs. National C. R. Co., 176 Ill., 288; Ham vs. Ham, 39 Me. 263; Commonwealth vs. Desmond, 103 Mass., 445; Baumann vs. Trust Co., 66 Minn., 227.)

In the case of Gardner vs. Eberhart (82 Ill., 316), the supreme court of Illinois held that trial courts had authority to take judicial notice of the subdivision of towns and city property into blocks, lots, etc. (See also Sever vs. Lyons, 170 Ill., 395.)

We believe, considering the ample provisions of said section 275 and the jurisprudence already established by reputable courts, that we have authority for holding that the lower court committed no error in taking judicial notice of the fact that the place where the crime was committed was within its jurisdiction. Therefore the sentence of the lower court is hereby affirmed, with, costs. So ordered.

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

Trent, J., dissents.

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