

THE UNITED STATES, PLAINTIFF, VS. THOMAS R. NICHOL, DEFENDANT.

G.R. No. 8214. December 27, 1913

Ponente: MORELAND, J.

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MORELAND, J.:

This is an appeal from an order of the Court of First Instance of the city of Manila ordering the confiscation of a deposit in lieu of a bond made by a person charged with the crime of resistance to the authorities and declaring the sum confiscated to be the property of the city of Manila.

One Thomas R. Nichol, having been charged in the Court of First Instance of Manila with the crime of resisting officers of the law, deposited in court a sum of money as bail in lieu of a bond to secure his provisional liberty. Having been convicted he failed to present himself to serve the sentence imposed by the court and the deposit was confiscated in favor of the city of Manila. An exception was taken by the Insular Government to that portion of the order of confiscation declaring the money confiscated to be the property of the city of Manila and an appeal taken therefrom to this court.

The only contention made here is that the sum confiscated is the property of the Insular Government and not of the city of Manila. The city of Manila claims that it is entitled to the money under the provisions of Act No. 1873, section 5, as affirmed by Act No. 1955, section 2.

We do not believe that this contention is sound. The Act referred to is the appropriation bill for the current year. The purpose of the Act was not to change the substantive law or to regulate the ownership or destination of money paid into court by virtue of a judicial proceeding. These matters are regulated by special acts relative to the particular subject matter involved, or by general laws relating to the departments of the Insular Government, which were not repealed or modified by the provisions of the appropriation bill referred to. While the particular section cited deals with interbureau transactions and with the fees and collections made by particular bureaus, as well as with fees, fines, and costs of courts, it in no way affects or changes the destination of the receipts of such bureaus or of the collections made by courts in judicial proceedings, either by way of fees, fines, costs, or the confiscation of bail or otherwise. The section in question, aside from permitting the bureau chiefs to spend certain of the receipts of their bureaus in accordance with law, relates exclusively to the method of keeping accounts, of bookkeeping, determining the source and nature of receipts of bureaus, how they and those arising from judicial proceedings shall be credited and to which bureau or department, the purpose being, as stated therein, "to require the separation of revenue receipts which may properly be termed proceeds of taxation from those funds which accrue from interbureau transactions and specific services to private persons."

Under that section the city of Manila can in no sense be called a bureau, nor can the judiciary be so called whether in the city of Manila or elsewhere; and the reference to the judiciary is to it as a department of the Government and not as a bureau. In strict sense the Insular Government makes no appropriation of Insular funds for the city of Manila and the provisions contained in the Insular Appropriation Bill have no application to matters pertaining to

the city. Nor do they affect its departments or bureaus. A department or bureau of the city is not a department or bureau of the Insular Government, and the general Insular Appropriation Bill, and particularly the section referred to, has nothing to do with such departments or bureaus. Act No. 1873 is an appropriation bill disposing of the funds of the Insular Government only and section 5 thereof deals with the bureaus and departments of the Insular Government exclusively and not with the city of Manila or any department or bureau thereof.

The Code of Criminal Procedure requires that every bail bond given in a criminal action within the original jurisdiction of Courts of First Instance to secure the liberty of persons charged with a crime shall be made payable in terms to the Government of the United States. A deposit of money in lieu of a bond must have the same destination. The representative of the Government of the United States in the Philippine Islands is the Insular Government, which becomes the payee in all bail bonds given in criminal cases originally cognized by the Court of First Instance of the city of Manila. In the absence of a statute requiring that the money collected on bail bonds or sums deposited in lieu thereof and declared forfeited shall go to other sources, they remain the property of the Insular Government.

The judgment appealed from is hereby reversed and the sum confiscated declared funds of the Insular Government; without special finding as to costs.

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

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