

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. EULOGIO SANCHEZ, DEFENDANT AND APPELLANT.

G.R. No. 9294. March 30, 1914

Ponente: ARAULLO, J.

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ARAULLO, J.:

Eulogio Sanchez was accused of the crime of illegal detention, provided for and punished in article 200 of the Penal Code, for having detained one Benigno Aranzanso by keeping him in the municipal jail of the pueblo of Caloocan, Province of Rizal, for a period of less than three days.

The Court of First Instance of said province sentenced the defendant as guilty of said crime to a fine of 1,000 pesetas and to the corresponding subsidiary imprisonment in case of insolvency, such imprisonment not to exceed six months. From this judgment the defendant appealed.

It appears from the evidence that the defendant, being a municipal policeman of the town of Caloocan, did, at about 9 o'clock in the morning of August 13, 1912, arrest Benigno Aranzanso in the cockpit of Maypajo of that town and take him to the town hall, where he was detained until just before nightfall of the same day, when he was set at liberty by order of the president. But it also appears from the same evidence: (1) That both the municipal president and the sergeant of police, who was acting as chief of police of the town, had information that two nights previous a robbery had occurred in a boat on the Maypajo River in that jurisdiction, for the boatman had presented himself to the said sergeant and indicated as one of the assailants of the boat an individual who was the son of one Eto and who had been in a billiard room the same night; (2) that on the said night of the 12th of August the Constabulary had been in Caloocan to investigate, in company with the policemen of the pueblo, a robbery that had occurred in a billiard room, and the said sergeant had acquired the information that Benigno Aranzanso had been in that billiard room that night and that about five minutes before he had left on the run; (3) that in view of this the sergeant of police directed not only the defendant Eulogio Sanchez but also all the patrolmen under his orders to look for the said Benigno Aranzanso in order that he might be identified by the boatmen; and (4) that by virtue of said order and because, the description they had given him of the person who had been in the billiard room fitted Aranzanso, the defendant Eulogio Sanchez proceeded to arrest him in the cockpit on the next morning, the 13th, and took him to the town hall, as has already been stated, where he remained in confinement until before nightfall of the same day. He was not identified because when the sergeant of police arrived at the station he had already been set at liberty. No warrant was previously issued for his detention because the fact had not been reported to the justice of the peace and the 13th of August was a legal holiday.

The defendant, therefore, acted in compliance with orders of his chief, the sergeant of police, in arresting Benigno Aranzanso and his detention was justified for the purpose of identifying his person, since, according to the sergeant himself, reasonable grounds existed for believing in the existence of a crime and suspicion pointed to that individual.

It was not necessary that the fact of the robbery committed in the boat should have been established in order to regard such detention as legal:

"The legality of the detention does not depend upon the fact of the crime, but * * * upon the nature of the deed, wherefrom such characterization may reasonably be inferred by the officer or functionary to whom the law at that moment leaves the decision for the urgent purpose of suspending the liberty of the citizen." (Decision of the supreme court of Spain, January 27, 1885.)

One of the duties of the police is to arrest lawbreakers in order to place them at the disposal of the judicial or executive authorities upon whom devolves the duty to investigate the act constituting the violation or to prosecute and secure the punishment thereof. One of the means conducing to these ends being the identification of the person of the alleged criminal or lawbreaker, the duty that directly devolves upon the police to make the arrests or detentions for the purposes of such investigation cannot be questioned.

The same supreme court has so declared in a decision of April 21, 1884, in a case wherein the person who had threatened another was unknown and suspicion pointed to a man whom an officer of the law proceeded to arrest. The court said:

"The mere fact that an officer of the law compelled a person to appear before the chief of the department to establish or prove his identity does not justify the classification of illegal detention. It was merely in the nature of an administrative measure, justified by the suspicion that he may have made certain threats against another person."

It is, therefore, beyond dispute that the defendant Eulogio Sanchez did not commit the crime charged against him in the complaint, and we therefore reverse the judgment appealed from and freely acquit him; with the costs of both instances de officio.

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

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