

## THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. PANTALEON MARIANO ET AL., DEFENDANTS AND APPELLANTS.

*G.R. Nos. 9169 and 9170. March 14, 1914*

Ponente: MORELAND, J.

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### MORELAND, J.:

These are appeals from two judgments of the Court of First Instance of the Province of Pangasinan, in which the defendants in the first case were convicted of the crime of lesiones and the defendants in the second case were convicted of the crime of homicide. The information in case No. 9169 alleges:

"That the said Roberto and Pantaleon Mariano, the above named accused, on Sunday the 22d of December, 1912, in the municipality of Rosales, Province of Pangasinan, P. I., willfully, illegally, and criminally, and without just cause, attacked, beat, maltreated, and wounded the complaining witness in the face and on the ear with a bolo, producing thereby wounds and injuries on those portions of his body. Contrary to law."

The information in case No. 9170 alleges;

"That the said Pantaleon Mariano, Cecilio Mariano, Marcelo Mariano, and Roberto Mariano, accused, on or about the night of the 22d of December, 1912, in the barrio of San Luis, municipality of Rosales, Province of Pangasinan, maliciously and criminally and with bolos and clubs inflicted six serious wounds and two contusions on different parts of the body of Juan Cortes, from which wounds and contusions said Juan Cortes died ten days thereafter; \* \* \*." Both cases were tried, submitted, and decided together, both crimes having been committed at the same time and in part by the same persons.

In case No. 9169 the defendants were found guilty as alleged, and there being present the aggravating circumstance of nocturnity they were each sentenced to three years of imprisonment and to pay an indemnity of P14, with subsidiary imprisonment in case of insolvency, and costs. In case No. 9170 they were convicted of the crime of homicide, with the aggravating circumstance of nocturnity, and were each condemned to eleven years of imprisonment, jointly and severally to pay an indemnity of P1,000, and each to pay one fourth of the costs.

In neither one of these cases did the court make a finding of facts upon which its judgment of conviction was based. Neither did the court state in either of the cases the kind of punishment that was inflicted or the provision of the Penal Code under which it was imposed. The court simply said:

"The accused Roberto Mariano and Pantaleon Mariano and each of them are therefore sentenced to three years imprisonment in Bilibid, Manila, P. I., to indemnify the offended party in the sum of &H, and in case of insolvency to suffer subsidiary imprisonment at the rate of P2.50 per day, and each to pay one half the costs of this proceeding."

The decision of the court in criminal as well as in civil cases should contain a statement of the facts upon which the judgment of conviction is based and should describe the penalty imposed. (*Almdogan vs. Insular Government*, 16 Phil. Rep., 168.) In cases where the Supreme Court must review the facts, as it must in all criminal cases, the

trial court should make a statement of the facts upon which it relies for the conviction.

These cases are hereby returned to the Court of First Instance whence they came, with instructions to formulate a statement of facts and to impose the penalty in accordance with this decision. An appeal from such decision and from the judgment of conviction and sentence thereunder may be had in the same manner and for the same purposes as if that were the first decision and sentence in the case.

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

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