

3 Phil. 317

[G.R. No. 1548. February 11, 1904]

THE UNITED STATES, COMPLAINANT AND APPELLEE, VS. PAULINO GARCIA ET AL., DEFENDANTS AND APPELLANTS.

D E C I S I O N

WILLARD, J.:

That the defendants all belonged to the band of Valeriano Gasic was not disputed. It is claimed, however, that although it was proved that this band consisted of thirty-five men, all armed with guns, that it was living in the mountains, and that it assaulted the town of Naujan, seized and carried off seven of the inhabitants, four of whom it afterwards killed, yet no robbery was committed. The evidence shows the contrary. They carried away from the public building of Naujan a trunk containing money. At their camp this money was divided among the members of the band. Orders were given from time to time to different members of the party to go from the camp to specified places and seize the *palay* there located.

The band in question comes within section 1 of Act No. 518, and the judgment of the court below imposing the penalty of life imprisonment upon the appellants is confirmed with the costs of this instance against them.

Arellano, C.J., Torres, Cooper, Mapa, McDonough, and Johnson, JJ., concur.

