

1 Phil. 659

[G.R. No. 952. January 23, 1903]

**THE UNITED STATES, COMPLAINANT AND APPELLEE, VS. PRAXIDIO PENOSO,
DEFENDANT AND APPELLANT.**

D E C I S I O N

WILLARD, J.:

In the Court of First Instance of Ambos Camarines on the 17th day of January, 1901, the defendant was convicted of the crime of sedition defined in article 8 of Act No. 292. He appealed.

In his brief, filed in this court on November 29, 1902, he asked that he be acquitted, but if the court was of the opinion that this could not be done, then he asked that he be included in the amnesty of July 4, 1902.

Afterwards, and on January 8, 1903, he joined with the Solicitor-General in a petition to the court that he be declared entitled to the benefit of said amnesty.

We are justified, under these circumstances, in not passing upon the merits of the case. (The United States vs. Santillana, decided November 10, 1902.)

The offense is clearly included in the amnesty proclamation of July 4, 1902. The acts charged were committed in the month of December, 1901. If proved, they constituted an offense under Act No. 292, section 8 of the Commission. All offenses included in that Act are covered by the amnesty. (The United States vs. Abad, decided October 22, 1902.) It is certainly clear that offenses included in section 8 of the Act are so covered.

It is therefore declared that the defendant is entitled to the benefits of the amnesty, and upon his filing in this court the required oath the case shall be dismissed and remanded to the court below with direction that defendant be discharged. So ordered.

Arellano, C. J., Torres, Cooper, and Ladd, JJ., concur.

Mapa, J., did not sit in this case.

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