

3 Phil. 327

[G.R. No. 1437. February 13, 1904]

THE UNITED STATES, COMPLAINANT AND APPELLEE, VS. AGATON AMBATA ET AL., DEFENDANTS AND APPELLANTS.

D E C I S I O N

WILLARD, J.:

The evidence shows that the defendant, Agaton Ambata, was at the time mentioned in the complaint a member with the rank of major of the band led by Montalon, and that this band was such a band as is described in section 1 of Act No. 518. The judgment as to him must therefore be confirmed.

We do not think that the acts committed by the remaining four defendants other than Anacleto Crusat and Teodorico Pisigan made them members of this band. There was no evidence in the case that they left the pueblos in which they lived or actually joined or remained with the band in its camp or elsewhere. There is evidence that they collected money within their pueblos for Montalon to be delivered to the defendant Agaton Ambata for his chief. But this did not make them, in our opinion, members of the band within the meaning of sections 1 and 2 of said Act. Section 4 relates to the procuring of supplies of food and other articles named for the purposes of the band, and indicates that the persons committing such acts are not thereby made members of the band, but are to be considered as persons outside of it who assist it by these means. These defendants must be convicted, if at all, under said section 4. The complaint charges Crusat and Pisigan with a violation of section 4 only.

The evidence shows that the four defendants and Crusat collected nothing but money, and that the defendant Pisigan paid to them nothing but money. They did not collect nor did Pisigan give them food, clothing, arms, or ammunition. The difficult question in the case is this: Is the furnishing of money an offense

under said section 4 ? That section is as follows:

” Every person knowingly aiding or abetting such a band of brigands as that described in section one by giving them information of the movement of the police or Constabulary, or by securing stolen property from them, or by procuring supplies of food, clothing, arms, or ammunition and furnishing the same to them, shall, upon conviction, be punished by imprisonment for not less than ten years and not more than twenty years.”

The section does not make it an offense to aid or abet brigands. The aiding or abetting must be done in specific ways, and unless it is done in one of the ways mentioned therein it is no offense. It is not made an offense to secure supplies of any kind, but to secure supplies of four different and defined articles. It must be conceded that neither the word “food” nor “clothing” nor “arms” nor “ammunition” can be so extended in their meanings as to cover money. The Spanish official translation of the Act furnishes some doubt on this point. But we are bound by the English version. If the Act had either said more or had said less there would be no difficulty. If it had been made an offense to aid or abet the band without specifying how, the furnishing of money would in the opinion of the writer have been an offense. So if it had said the furnishing of supplies without saying what kind of supplies. So if it had said furnishing of supplies of food, clothing, arms, ammunition, *or other articles*.

It is true that furnishing money would aid the band as much as, if not more, than the furnishing of food, and it is difficult to see why it was not included in the law. Nevertheless the legislature saw fit to specify definitely the articles the furnishing of which was an offense, and they did not mention money by name nor did they use any other word which would include it nor any general phrase which might cover it. Were one asked to point out the word, phrase, or sentence in the section which meant money, it would be impossible to do it. It is not enough to say that the legislature when considering the law must have intended to make the furnishing of money an offense. It is necessary that they use words which in some way express that intent.

The judgment as to Agaton Ambata is confirmed with one-seventh of the costs of both instances. The other defendants are acquitted with the costs *de*

oficio without prejudice to the presentation of other complaints against those of them who by reason of the acts proved in this case may be guilty of offenses punished by the Penal Code.

Cooper, McDonough, and Johnson, JJ., concur.

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