

1 Phil. 731

[ G.R. No. 506. February 16, 1903 ]

**THE UNITED STATES, COMPLAINANT AND APPELLANT, VS. THE MUNICIPAL COUNCIL OF SANTA CRUZ DE MALABON, DEFENDANT AND APPELLEE.**

**D E C I S I O N**

**ARELLANO, C.J.:**

The Philippine Sugar Estates Development Company, Limited, a corporation, domiciled in Manila, Calle Anloague No. 89, as stated by one of its representatives (record, p. 18), in a petition filed in a voluntary jurisdiction proceeding instituted with respect to judicial possession, by a supplementary prayer asked that the transcript of certain minutes be sent to the provincial fiscal in order that he might file the corresponding information. According to the statement contained in this supplementary prayer the attached copy of the minutes of a meeting of the municipal council of Santa Cruz, Cavite, "shows the resolution adopted by the said council to impose upon landholders on the hacienda a tax of three pesos on each cavan of seed produced by the lands cultivated by them, for the purpose of paying the expenses of the suit, and the appointment of a collector and treasurer of this tax." This supplementary petition and the attached copy of the minutes were made the basis of a separate proceeding in the nature of a preliminary investigation. The provincial fiscal did not think proper to file an information, as he did not regard the facts set forth in the paper referred to as constituting the offense covered by the articles of the Penal Code cited by the representative of the corporation. The judge dismissed the complaint in the preliminary investigation. On the 23d of September, 1901, when the representative of the corporation appeared in court to file the formal complaint prepared by him, notice was served upon him of the order dismissing the proceeding. On the same day he appealed against this order, relying upon articles 43 and 44 of General Orders, No. 58.

Under the American system the prosecution of public offenses is reserved to the representative of the Government to such an extent that the individual citizen can not bring

an action for that purpose. He is protected by his right to bring a personal action for the damage which the commission of a crime may occasion him. As to him the crime is but the source of a civil obligation. General Orders, No. 58, series of 1900, which has established the principles and rules of criminal procedure peculiar to that system of legislation, as a concession to the period of transition from one system of legislation to another, has compromised only with the private penal action of the injured party, but with that of the latter alone—not with the action which under the former law on, the subject of criminal procedure might be brought by any citizen who might desire to aid the action of the Government. It was necessary to maintain the private penal action of the injured party himself, in consequence of the continued operation of the Penal Code, for two reasons: First, because, on principle, the declaration of the criminal liability carries with it the declaration of the resulting civil obligation; second, because there are crimes which can not be prosecuted other than at the formal instance of the person injured.

For this reason, under the heading “rights of the person injured by the offense,” article 107 was drawn, according to which, “the privilege now secured by law to the person claiming to be injured by the commission of an offense to take pñirt in the prosecution of the offense and recover damages for the injury sustained by reason of the same shall not be abridged by the provisions of this order.” It is evident that the special and accentuated inclusion of the right of the person injured, not recognized in the general principles which form the basis of this procedural system, is the most express exclusion of any other right, such as that arising from the popular penal action, not recognized in the American system. Until it is made to appear that the complainant corporation, domiciled in Manila, forms part of the inhabitants of Santa Cruz, Cavite, upon whom might fall the burden of this so-called illegal exaction, it has not been shown that the corporation has been or might be injured by the commission of the act denounced as a crime; consequently it has no right to bring a prosecution for such an act, nor to appeal against the denial of such a right, or the refusal to regard as a crime an act which in its opinion constitutes such an offense.

The appeal taken is therefore dismissed, with costs. So ordered.

*Torres, Cooper, Willard, Mapa, and Ladd, JJ., concur.*

