

1 Phil. 614

[G.R. No. 496. December 31, 1902]

**THE UNITED STATES., COMPLAINANT AND APPELLANT, VS. WILLIAM FOWLER
ET AL., DEFENDANTS AND APPELLEES.**

D E C I S I O N

TORRES, J.:

The two defendants have been accused of the theft of sixteen bottles of champagne of the value of \$20, on the 12th August, 1901, while on board the transport Lawton, then navigating the high seas, which said bottles of champagne formed part of the cargo of the said vessel and were the property of Julian Lindsay, and which were taken *lucris causa*, and with the intent to appropriate the same, without violence or intimidation, and without the consent of the owner, against the statute in the case made and provided.

The accused having been brought before the court, the prosecuting attorney being present on behalf of the Government, counsel for the defendants presented a demurrer, alleging that the Court of First Instance was without jurisdiction to try the crime charged, inasmuch as it appeared from the information that the crime was committed on the high seas, and not in the city of Manila, or within the territory comprising the Bay of Manila, or upon the seas within the 3-mile limit to which the jurisdiction of the court extends, and asked, upon these grounds, that the case be dismissed.

This contention was opposed by the prosecuting attorney, who alleged that the court has original jurisdiction in all criminal cases in which the penalty exceeds six month's imprisonment, or a fine of over \$100; that, in accordance with the orders of the Military Governor and the Civil Commission admiralty jurisdiction over all crimes committed on board vessels flying the flag of the United States has been vested in the Courts of First Instance of the city of Manila. Among other laws and orders he cited the order of August 14, 1898, and Acts Nos. 76 and 186 of the United States Civil Commission. He argued that the President of the United States had unquestionable authority to authorize the commanding

general and the Civil Commission to establish a judicial system with authority to take cognizance of maritime and admiralty causes, citing a decision of the Supreme Court of the United States in support of this doctrine, which was applicable to this Archipelago, which is now analogous to the status of some of the States of the Union during the Mexican war and the war of secession.

The judge, however, by an order of the 14th of September, 1901, held that the court was without jurisdiction to try the accused for the theft alleged to have been committed on the high seas, sustained the demurrer, and ordered the discharge of the defendants, with the costs to the Government. Against this order the prosecuting attorney appealed, and the case was brought before this court.

This case deals with a theft committed on board a transport while navigating the high seas. Act No. 136 of the organic law, as well as Act No, 186 passed by the Civil Commission, and which repealed the former law, Act No. 76, do not expressly confer jurisdiction or authority upon this court to take cognizance of all crimes committed on board vessels on the high seas. While the provisions of the law are clear and precise with respect to civil admiralty or maritime cases, this is not true with respect to criminal cases. If any doubt could arise concerning the true meaning of the law applicable to the case, Act No. 400 effectively dissipates such doubts.

This law, which is an addition to Act No. 136, by which the courts of justice of the Philippine Islands were organized, in article 1 adds to article 56, consisting of seven paragraphs, another paragraph numbered 8, which reads as follows: "Of all crimes and offenses committed on the high seas or beyond the jurisdiction of any country, or within any of the navigable waters of the Philippine Archipelago, on board a ship or water craft of any kind registered or licensed in the Philippine Islands in accordance with the laws thereof." The purpose of this law was to define the jurisdiction of the Courts of First Instance in criminal cases for crimes committed on board vessels registered or licensed in the Philippine Islands. The transport Lawton not being a vessel of this class, our courts are without jurisdiction to take cognizance of a crime committed on board the same.

Upon these grounds we consider that the order appealed should be affirmed, with the costs *de officio*. So ordered.

Arellano, C. J., Cooper, Smith, Willard, Mapa, and Ladd, JJ., concur.

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