

6 Phil. 403

[ G.R. No. 2806. August 28, 1906 ]

**THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. BALBINO MORALES ET AL.,  
DEFENDANTS AND APPELLANTS.**

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

**CARSON, J.:**

The appellants in this case were convicted in the Court of First Instance of Manila of the crime of brigandage as defined and penalized in section 1 of Act No. 518 of the Philippine Commission. Counsel for the appellants contends that the Court of First Instance was without jurisdiction to impose sentence upon these accused because it does not appear from the evidence that the crime with which they were charged was committed in the city of Manila.

The evidence discloses that the offense was committed, if committed at all, in the Provinces of Bulacan and Rizal and there is no proof tending to sustain the allegation of the complaint that the offense was committed in the city of Manila.

It appears from the record that the appellants, Rosauro Sabino, Francisco Primoso, and Romualdo Ramos, were arrested in the municipality of Caloocan and that the appellant Balbino Morales was arrested in the municipality of Malabon, both of which municipalities are beyond the limits of the city Of Manila, and that they were brought from the place of their arrest to the city of Manila and there tried upon this complaint alleging the commission of the crime in the city of Manila and in the Provinces of Bulacan and Rizal.

Section 3 of Act No. 518 defining highway robbery or brigandage and providing for the punishment thereof, is as follows:

“Persons guilty of the crime defined in section one may be punished therefor in the Court of First Instance in any province in which they may be taken or from

which they may have fled.”

It is clear, therefore, that the Court of First Instance of Manila was without jurisdiction to impose sentence upon these appellants in this case.

It appears that the appellants, Pedro Alapata and Leocadio Reyes were arrested on the complaint filed in this case while they were serving sentence in Bilibid upon conviction of another and distinct offense committed in the city of Manila, and we are of opinion that under the provisions of the above-section 3 of Act No. 518 the court had jurisdiction to try and punish these accused.

The guilt of the said Pedro Alapata and Leocadio Reyes of the crime with which they were charged was proven beyond a reasonable doubt and we find no error in the proceedings prejudicial to their rights. The judgment and sentence of the trial court in so far as these appellants are concerned should be and is hereby affirmed, with their proportionate shares of the costs in this instance.”

The sentence of the trial court, in so far as it affects Rosauero Sabino, Francisco Primoso, Romualdo Ramos, and Balbino Morales, is reversed, with their proportionate shares of the costs in both instances *de officio*, but it appearing that there is reasonable ground to believe that they were guilty of the crime of brigandage, they will not be set at liberty but will be remanded to a court of proper jurisdiction for trial. (Section 23, General Orders, No. 58.) Let judgment be entered in accordance herewith and the case be remanded at the proper time for proper action. So ordered.

*Arellano, C. J., Torres, Mapa, Willard, and Tracey, JJ., concur.*