

6 Phil. 211

[ G.R. No. 2713. April 28, 1906 ]

**THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. AGUSTIN JOSE ET AL.,  
DEFENDANTS AND APPELLANTS.**

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

**MAPA, J.:**

The defendants were convicted in the trial court and sentenced to ten years' imprisonment as guilty of the crime of brigandage for having furnished food to a band of brigands led by one Angelo San Pedro.

There was no eyewitness to the facts with respect to the defendant Catalino Mariano. With respect to the other defendant, Agustin Jose, we have the testimony of a witness who was a member of Angelo San Pedro's band of brigands in May, 1904. This witness testifies that being with the said band one day in the month in question and while going through a field they met this defendant, whom Angelo San Pedro requested to give them food, and that the said defendant at once furnished them with rice, and also gave rice to one Cecilio Bondoc, a companion of Angelo San Pedro. There is, however, no proof that the accused knew this band was a band of brigands, or even that he was acquainted with Angelo San Pedro. The witness having been asked if the said Angelo San Pedro was acquainted with the accused, he replied that he was not. It can not, therefore, be said that the defendants when furnishing rice to these persons acted with knowledge of the fact that they were brigands, as is required by the law which defines the acts of assistance which constitute brigandage.

The plea of the defendants, entered in the preliminary proceedings, before the justice of the peace, by which they acknowledged themselves guilty of the crime of which they are charged, is also introduced as evidence of their guilt, applicable to both defendants alike.

Although it has been proven that no violence or coercion whatever was used upon the defendants at the time they entered this plea, we believe their statement to be true, to the

effect that when they had entered this plea they were still under the influence of grave threats which had been brought to bear upon them prior thereto, in order to induce them to acknowledge their guilt. We are entirely satisfied with the explanation given by the defendants upon this point, an explanation which has not, in any degree, been overcome during the trial. There being no other evidence against the defendants there are no grounds for their conviction.

The judgment of the court below is reversed and the defendants are acquitted, the costs of both instances to be *de officio*.

Ten days from the date of final judgment the cause will be remanded to the trial court for further proceedings in accordance with the law. So ordered.

*Arellano, C. J., Torres, Carson, and Willard, JJ., concur.*

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