

5 Phil. 265

[G.R. No. 2008. November 11, 1905]

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. EUGENIO PAGDAYUMAN ET AL., DEFENDANTS AND APPELLANTS.

D E C I S I O N

TORRES, J.:

On December 18, 1903, Eugenio Pagdayuman, Roque de Vega, Pedro Lopez, Crispulo del Mundo, Gabino de los Santos, and Pedro de los Santos were charged with the crime of brigandage. The information alleges that on or about the 1st of April, 1903, and for many months prior thereto, the defendants willfully and feloniously entered into a conspiracy to organize a band of brigands, with Luciano San Miguel, Faustino Guillermo, Ciriaco Contreras, Apolonio Samson, Miguel Capistrano, Alejandro Santos, Tomas de Guzman, Fabian Concepcion, Andres Roque, Major Basilio, Captain Memong, Licerio Bolanos, Ceferino de la Cruz, and other unknown persons, within the city of Manila and within the police zone of that city for the purpose of stealing carabaos and other personal property by means of force and violence, going upon the highways and roaming over the country armed with deadly weapons, and committing other plundering acts within the city of Manila and the police jurisdiction of that city and of the Court of First Instance thereof, contrary to the statute in such cases made and provided.

Proceedings were commenced by the filing of an information, and as a result of the evidence adduced the judge, on March 12, 1904, sentenced Eugenio Pagdayuman and Pedro Lopez each to twenty-five years' imprisonment at hard labor and Roque Vega and Crispulo del Mundo each to twenty years' imprisonment at hard labor, and each to pay one-sixth

of the costs, the remaining two-sixths of the costs *de officio*.

The case against Gabino de los Santos and Pedro de los Santos was dismissed on account of the insufficiency of the evidence as to them (p. 33).

It appears from the record that during the latter part of the year 1902 and the early part of the year 1903 there were in the environs of the city of Manila and neighboring towns several bands of robbers, armed with weapons of every description, lead by such outlaws as Julian Santos, Apolonio Samson, Faustino Guillermo, Ciriaco Contreras, Vicente del Mundo, Miguel Capistrano, and one so-called Major Basilio, under the supreme command of the self-styled General Luciano San Miguel. These bands operated either jointly or independently of each other but at all times made attacks upon women and other peaceful inhabitants of the towns, having committed several murders and resisted the officers of the law and robbed the people of their money, clothes, jewels, rice, cloth, shoes, and other property. They also took possession of the arms of the police during their attacks upon the towns of Meycauayan, Marilao, Bagbag, Corral-na-bato, and other towns in the Province of Bulacan, and in Cainta, Antipolo, Bosoboso, Malabon, Pasig, Taytay, Bagong Bato, and Santa Rosa in the Province of Rizal, as testified to by the witnesses Juan Zorrilla, Miguel Pascual, Melcadias Santiago, Enrique Pasion, Bernardo de Leon, Gervasio Domingo, Gervasio Jimenez, and Charles J. Bates, the latter a Constabulary officer.

It was also proved that Pedro Lopez and Roque de Vega were members of a large band of brigands armed with rifles under the leadership of Luciano San Miguel. Although these defendants had been seen at times with the section of the band commanded by Faustino Guillermo and at times with the section lead by Julian Santos, there is no doubt, however, that they participated in the acts committed by the various sections of the band which acted either jointly or separately, they having taken part in the attacks made upon Bagbag, Corral-na-bato, Cainta, Antipolo, Bosoboso, Malabon, Meycauayan, Bahay Pare, and other places, as testified to by Miguel Pascual, Enrique Pasion, Gervasio Domingo, and Gervasio Jimenez, who formerly belonged to the same band as Pedro Lopez and Roque de Vega.

It was thus proved that Pedro Lopez and Roque de Vega belonged to a band of brigands composed of men who, claiming to be insurgents, carried various kinds of weapons and roamed over the country, attacking and robbing peaceful inhabitants and resisting by force of arms the officers of the law charged with the maintenance of order and the protection of the lives and property of the people accused are guilty of the crime of brigandage and should, be punished under section 1 of Act No. 518. They voluntarily joined the band and took part in some of the acts committed by its various sections.

Although these acts were not committed within the limits of the city of Manila but in the municipalities of the Provinces of Bulacan and Rizal, it appears that Roque de Vega was arrested in the vicinity of the San Lazaro Hospital, between the districts of Tondo and Santa Cruz, and that Pedro Lopez was captured in San Francisco del Monte, Sampaloc district. The Court of First Instance of the city of Manila had therefore jurisdiction to try and decide this case, in accordance with the provisions of section 3 of Act No. 518.

As to the other defendants—Eugenio Pagdayuman, arrested in Caloocan, Rizal, and Crispulo del Mundo, arrested in Meycauayan, Bulacan—the Court of First Instance of this city had no jurisdiction to try them. We are therefore of opinion that all the proceedings with respect to these two defendants were null and void and that the case should be dismissed as to them, following the decisions in the cases of Maximo Austria, No. 2371,^[1] and Bernabe de la Cruz, No. 2262,^[2] both for brigandage.

Pedro Lopez and Roque de Vega are accordingly sentenced each to twenty year's imprisonment and to pay one-sixth of the costs. The case in so far as it relates to Eugenio Pagdayuman and Crispulo del Mundo is dismissed with costs *de officio*, without prejudice, however, to the filing of a new complaint against them for the same offense in the Courts of First Instance of Rizal and Bulacan, respectively. The judges of those courts and the Solicitor-General will be notified of this decision. The judgment of the court below thus modified is affirmed. So ordered.

Arellano, C. J., Mapa, Carson, and Willard, JJ., concur.

Johnson, J., dissents as to the defendants Eugenio Pagdayuman and Crispulo del Mundo.

^[1] Page 272, *post*.

^[2] Not published.

Date created: April 28, 2014