

4 Phil. 450

[G.R. No. 1925. April 25, 1905]

**THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. TOMAS CAÑETA,
DEFENDANT AND APPELLANT.**

D E C I S I O N

CARSON, J.:

Tomas Cañeta, the appellant in this case, was convicted of the crime of brigandage in the Province of Albay and sentenced to twenty years' imprisonment and to the payment of the costs of the proceedings.

It was proven at the trial that the accused was a member of an armed band of some forty persons, which was organized in the Province of Albay, under the leadership of one Matias Bedar, but there is no evidence in the record to show for what purpose the said band was organized or that it had for its object the stealing of carabaos or other personal property, by means of force and violence, and we are of opinion, therefore, that the accused should have been acquitted of the crime with which he was charged, and that the sentence appealed from should be reversed, with the costs *de officio* in both instances. So ordered.

Arellano, C. J., Torres, Mapa, and Johnson, JJ., concur.
