

[G.R. No. 1945. January 04, 1905]

THE UNITED STATES, COMPLAINANT AND APPELLEE, VS. MANUEL NAVARRETE ET AL., DEFENDANTS AND APPELLANTS.

D E C I S I O N

JOHNSON, J.:

These three defendants were charged with the crime of *bandolerismo*, committed in the Province of Cavite, and were tried by the judge of the Court of First Instance of that province. The said Navarrete was dismissed because of insufficient evidence. Enrique Molera and Marcelo Nopuenta were found guilty of giving aid and comfort to a band of ladrones, and also of giving information to the said band of ladrones of the movements of the insular police, and the said Enrique Molera was sentenced for the term of ten years *de presidio* and Marcelo Nopuenta to a period of twelve years, and each to pay one-third of the costs. From this sentence Marcelo Nopuenta appealed.

The question presented here is whether or not the evidence is sufficient to support the sentence of the court imposed upon Marcelo Nopuenta. The testimony of Felix Maragat (folio 7) shows that in the month of November, 1903, Marcelo Nopuenta purchased in Manila hats and shoes, and gave them to Felizardo, who was then and there the chief of a band of ladrones in the Province of Cavite; that on several occasions he gave food to the said band of ladrones; that the said band of ladrones went upon the highways armed with deadly weapons; that the said defendant gave to Felizardo and his companions notice of the movements of the insular police.

The testimony of Eugenio San Diego shows that one Felizardo was the

chief of a band of ladrones in the Province of Cavite; that the said defendant Marcelo gave food to the said band in the form of rice, meat, and fish; that the said band of ladrones entered various pueblos of the Province of Cavite, compelled the people to give them food and money, and on various occasions sequestered different persons. The only defense interposed by the defendants was in the form of a general denial. The judge of the Court of First Instance found the defendant guilty of giving to the said band of ladrones, of which Felizardo was the chief, aid and comfort, knowing that the said band was a band of ladrones organized for the purpose of stealing carabaos and other personal property by means of force and violence, and sentenced the said defendant to twelve years *de presidio* and to pay one-third of the costs.

The evidence adduced in said cause is sufficient to justify this sentence, and therefore the same is hereby confirmed. So ordered.

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