

3 Phil. 435

[G.R. No. 1176. March 21, 1904]

THE UNITED STATES, COMPLAINANT AND APPELLEE, VS. PLACIDO ESPIRIDION ET AL., DEFENDANTS AND APPELLANTS.

D E C I S I O N

JOHNSON, J.:

The defendants in this case were charged with the crime of *bandolerismo* and were tried in the Court of First Instance of the Province of Rizal. At the conclusion of the trial Placido Espiridion and Tiburcio de la Cruz were acquitted and discharged. The other three defendants were each convicted of the crime of *bandolerismo* and were sentenced to be imprisoned for the term of ten years under section 4 of Act No. 518 of the Philippine Commission.

The evidence presented in this case was not sufficiently certain to show that the accused were guilty of the crime charged. The proof was not sufficient to show that the accused had conspired to rob or had even committed robbery. Neither was the proof sufficient to show that the accused had given aid and comfort of any character whatever to bandits or brigands.

The sentence of the court below is therefore reversed, and the defendants and each of them are hereby ordered discharged.

Arellano, C. J., Torres, Cooper, Willard, Mapa, and McDonough, JJ., concur.

