

4 Phil. 418

[G.R. No. 2200. April 15, 1905]

THE UNITED STATES, COMPLAINANT AND APPELLEE, VS. PANTALEON CANTIL ET AL., DEFENDANTS AND APPELLANTS.

D E C I S I O N

WILLARD, J.:

The evidence proved the following facts, and none other: The appellant cultivated for the owner a certain tract of hemp land; delivered to Apolonio Aitona the owner's share of the hemp produced, and retained for himself and the workmen whom he employed the shares corresponding to them. The land belonged either to Apolonio Aitona or to Francisco Gamboa. The latter was at the time the leader of a band of brigands, and there was near the land in question a camp of certain members of this band.

These facts are not sufficient to convict the defendant of aiding a band of brigands in any of the ways pointed out in Act No. 1121. Even assuming that Gamboa was the owner of the land and Aitona his agent, when the appellant delivered the hemp to them he was but delivering to them their own property. We agree with the Solicitor-General that the appellant should be acquitted.

The judgment is reversed and the defendant acquitted, with the costs *de officio*.

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