4 Phil. 382

[G.R. No. 1487. April 06, 1905]

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. ISMAEL TAN-SECO ET AL., DEFENDANTS AND APPELLANTS.

D E C I S I O N

WILLARD, J.:

The defendants in this case are charged with the commission, in the city of Manila, of the crime of brigandage, defined and punished in Act No. 518 of the Philippine Commission. The evidence is sufficient to convict them of the offense in said act mentioned.

It is claimed by the defendants' counsel in this court that this crime can not be committed within the limits of a city. By this act the legislators intended, if possible, to put a stop to the formation of bands of armed men organized for the purpose of robbery. The purpose was to protect life and property, and life and property in cities was entitled to such protection as much as life and property in the rural districts. The place where such a band was to carry on its operations was not an essential element in the evil sought to be corrected. While the legislators may perhaps have had more in mind bands of armed men wandering over the sparsely settled portions of the country, they have used no words which exclude the application of the law to cities.

The words "highway" and "country" found in Act No. 518 (which was in force at the time of the commission of the offense in question), relied upon by the defendants, do not support their contention.

Streets in cities are covered by the word "highway" as well as roads outside of cities. The word "country" has in English two meanings. It is used in this act not to indicate rural as distinguished from urban

districts, but in the geographical sense in which it is frequently employed- as, for example, in the phrase “the countries of the world.” It is not in this law well translated into Spanish by the word *campo*.

If Manila is to be excluded, no test is furnished by which we could decide whether or not other and smaller cities and villages should be excluded, and we should be driven to the conclusion that any considerable number of houses collected together would furnish a place in which the law could not operate. Such could not have been the intention of the legislature.

That such a band may exist in Manila is proved in this case. The defendants came to the house of Vaughn four or five times, trying to induce him to join them. Upon the night on which they were arrested they had planned to rob two different houses and had agreed that they would kill anyone who opposed them.

We can not agree with the suggestion of the Attorney-General that because one of the defendants carried only a small knife the party was not armed with deadly weapons. The evidence is that this, with other weapons carried by them, was to be used in attack and defense. We have had too many cases before us in which mortal wounds have been inflicted by what is called in the evidence a *cortaplumas* to hold that such an instrument “is not a deadly weapon.

The court below sentenced the defendants to life imprisonment. We reduce this sentence to imprisonment for twenty years for each defendant. With this modification the judgment of the court below is affirmed, with the costs of this instance against the defendants.

Torres, J., concurs.
Mapa and *Carson. JJ.,* concur in the result only.
Arellano, C.J., does not concur in the opinion that the facts in the case constitute the crime of brigandage

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