1 Phil. 374

[G.R. No. 500. September 16, 1902]

THE UNITED STATES, COMPLAINANT AND APPELLEE, VS. LEOCADIO TANJUANCO ET AL., DEFENDANTS AND APPELLANTS.

D E C I S I O N

COOPER, J.:

Leocadio Tanjuanco and Domingo Bernardo are charged with the crime of robbery *en cuadrilla* committed with seven other persons who carried guns, and who, after tying Antonio Capistrano, Benito Capistrano, Victoriano de la Cruz, and Baldomero de Vera with ropes, carried them off and also possessed themselves of and carried away four carabaos and one mare, the property of Antonio Capistrano.

Domingo Bernardo it appears has died in prison. The defendant Leocadio Tanjuanco was convicted by the Court of First Instance, Fifth Judicial District, and sentenced on the 15th day of March, 1902, to eight years of presidio mayor. At the trial a copy of the proceedings had at a meeting of the municipal council of the pueblo of Angat on the 15th of September, 1901, was offered by the prosecution and received in evidence against the defendant, in which it was certified that at the meeting held by the residents of the barrios of Bangat, Binagoag, and others for the purpose of investigating the life and conduct of the defendant Leocadio Tanjuanco, it was unanimously agreed that he was known as a man of bad character by reason of his notorious acts during the time of the Spanish Government and up to the date of this prosecution; that he had been prosecuted for robbery, theft, and other crimes, such as poisoning. Formerly under the Spanish procedure such evidence was admissible. (*Auto Acordado* of September 4, 1860, art. 30.)

By the provisions of section 15, General Orders, No. 58, in force at the time of the trial, it is the right of the accused in all criminal prosecutions to be confronted by and to cross-examine the witnesses against him. The introduction of such evidence as the proceedings of the municipal board of Angat was contrary to the provisions of this law, and the Court of

First Instance erred in receiving it. For this error the cause is reversed and is remanded to the Court of First Instance for a new trial, and it is so ordered.

Arellano, C. J., Torres, Willard, and *Ladd, JJ.,* concur.

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