

4 Phil. 78

[G.R. No. 1626. April 22, 1904]

**THE UNITED STATES, COMPLAINANT AND APPELLEE, VS. HERMOGENES ONTI,
DEFENDANT AND APPELLANT.**

D E C I S I O N

MAPA, J.:

The only thing which has been proven in this case is that the defendant delivered to Esteban Kojas a note or letter, which it appears in several places in the record was entrusted to him for that purpose by one Colonel Cosme. It is said that the purpose of the letter or note was to demand 50 pesos in cash and 5 cavans of rice for the support of a band of brigands led by Julian Montalan. It is also said that this letter or note was signed by Montalan. The note itself was not introduced in evidence at the trial, nor does it appear if this note or letter was open when delivered by Colonel Cosme to the defendant herein.

The prosecution has not proved that the defendant was aware of the contents of the letter or that he knew in any other way that the purpose of Montalan or of Colonel Cosme in sending the letter to Esteban Kojas was to demand supplies for the support of his band. This being so, it can not be concluded that the accused acted *with the knowledge* that the object of the letter was this unlawful purpose. Consequently he can not be convicted of the crime defined and punished under section 4 of Act No. 518, of which he is accused, because this provision requires that the defendant act knowingly in order that he may be considered guilty of that crime.

The judgment of the court below is reversed and the defendant acquitted with the costs *de oficio*.

Arellano, C. J., Torres, McDonough, and Johnson, JJ., concur.

