

3 Phil. 708

[G.R. No. 1853. April 16, 1904]

**THE UNITED STATES, COMPLAINANT AND APPELLANT, VS. JOHN P. MILLER,
DEFENDANT AND APPELLEE.**

D E C I S I O N

MCDONOUGH, J.:

The defendant, John P. Miller, was accused in the Court of Customs Appeals with having on or about the 8th day of September, 1903, at the city of Manila, P.I., conspired with one W.D. Ballentine and others for the purpose of uttering and publishing a false and fraudulent Chinese certificate of permission and identification, with intent to deceive and defraud the Government of the United States and of the Philippine Islands, and to secure admission into the Philippine Islands of a Chinese person not entitled by law to enter the same.

The defendant was tried in that court and was acquitted.

The Government appealed to this court from the judgment of acquittal. The defendant made a motion to dismiss this appeal on the ground that an appeal does not lie from a judgment of acquittal by the Court of Customs Appeals.

By section 18 of Act No. 136 it is provided that the Supreme Court shall have appellate jurisdiction of all actions and special proceedings brought to it from Courts of First Instance, and *from other tribunals*, from whose judgment the law shall *specialy* provide appeals to the Supreme Court.

Section 290 of Act No. 355, before it was amended by Act No. 864, provided that no appeal could be taken from the decision of the Collector of Customs imposing a fine or penalty * * * except in cases

where the amount of the fine or penalty exceeded \$500, in which case an appeal could be taken to the Court of Customs Appeals.

Section 291 of Act No. 355 provides that whenever the penalty of imprisonment is imposed for violation of the terms of the act, it shall be the duty of the Attorney-General to institute in proper cases before the Court of Customs Appeals proceedings in the ordinary form of criminal prosecutions for the conviction of the person charged, and that court shall have the power to try and determine the question of the guilt or innocence of the defendant and impose sentence, *and its decision shall be final.*

So that prior to the passage of Act No. 864 there could be no appeal from decisions of the Court of Customs Appeals to this court.

By section 4 of this latter act, amending section 290 of Act No. 355, it is provided that from a judgment of the Court of Customs Appeals, in criminal causes, there shall be a right of appeal to the Supreme Court in every case in which the penalty of imprisonment or a fine exceeding 600 Philippine pesos, exclusive of costs, is adjudged against the defendant.

“In all other criminal cases, including those in which imprisonment is adjudged, in default of payment of a fine, the judgment of the Court of Customs Appeals shall be final.”

The case at bar comes within the terms of this last paragraph of the section.

The defendant was acquitted and there appears to be no provision of law authorizing the Government to appeal from a judgment of acquittal.

If the legislators intended to give authority to take an appeal from a judgment of acquittal, it would have been an easy matter to so state. On the contrary they expressly provided that in such case “the judgment of the Court of Customs Appeals is final.”

The right to appeal is purely a statutory right; and a party who brings an action does not, by such act, acquire a vested right to a

decision from a particular tribunal. (Elliot's Appellate Procedure, sec. 15; *Ex Parte McCardle*, 7 Wallace U. S., 506; *Patterson vs. Philbrook*, 9 Mass.,151.)

The law-making body may regulate the entire system of appellate procedure. The method required by this body is exclusive, and courts can not disregard it or substitute therefor their own rules of procedure.

From the fact that the Commission provided for the right of appeal from judgments of imprisonment, or where a fine exceeding 600 pesos was imposed, it is to be inferred that the intention was to deny the right of appeal in all other cases, even if that fact were not so expressly stated in the act, as it is here. (*Duronsseau vs. U. S.*, 6 Cranch., 312.)

As the judgment of acquittal in this case is not appealable, the motion to dismiss the appeal is granted.

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