

3 Phil. 265

[G.R. No. 1354. January 30, 1904]

**THE UNITED STATES, COMPLAINANT AND APPELLEE, VS. SIMON DE PADUA,
DEFENDANT AND APPELLANT.**

D E C I S I O N

JOHNSON, J.:

The complaint in the above-entitled cause states that the defendant, together with Pedro de la Cruz, one called Bernardino, and others, did illegally conspire together to form a band of robbers for the purpose of stealing carabaos and other personal property by means of force and violence, and went out upon the highway armed with deadly weapons for that purpose; that the said accused, in the month of November, 1902, knowing the existence of said band and its unlawful purposes, did aid said unlawful band by giving them information of the movements of the Constabulary and by giving them supplies of food and other supplies. The defendant was president of the pueblo of Tarangnan.

The evidence adduced during the trial clearly proved the existence of the band such as was described in the complaint, which was composed of from 300 to 400 armed men; that this band was under the command of Pedro de la Cruz; that the band had been organized in the month of August, 1902; that frequent robberies occurred in the pueblo of Tarangnan committed by this band, of which the accused had notice.

Notwithstanding the frequent robberies committed by this band in and about the pueblo of Tarangnan, of which the accused was the president, he repeatedly reported to both the governor of the

Province of Samar and the chief of the Constabulary of that province that everything was peaceful and quiet in his pueblo. It was also shown that different members of this band frequently visited in the house with the accused, which shows to some extent that he was on friendly relations with them.

It was also proven that at times he gave orders, as president of the pueblo of Tarangnan, to the councilmen of the barrios of his pueblo, to notify him if members of this band should be seen in the pueblo, in order that some action, supposedly, might be taken against them. These orders showed that the accused had (1) knowledge of the existence of the so-called band and (2) of its unlawful purposes.

It was also shown and not disputed that the accused as such president did, on one occasion, send his vice-president to the camp of this unlawful band for the purpose of selling to them personal cedula, thus attempting to place in their hands certificates of respectability, and which to some extent made their existence as a band more difficult to establish.

The proof further shows that on or about the 20th day of December, 1902, the accused delivered to Pedro de la Cruz, at his camp situated at the place called Bunayon, a certain amount of rice and fish for the use of himself and soldiers under his command. The proof further shows that on the same day the accused gave to the leaders of the band notice of the fact that the Constabulary had planned an attack on the band that same night. The attack did take place. The proof shows that the band was prepared with extra guards, etc.

Under the law, he who knowingly aids a band of brigands by furnishing them with food or other supplies shall, upon conviction thereof, be punished by imprisonment for not less than ten years and not more than twenty years.

The following conclusions of fact are deducible from the proof in this cause:

1. That a band of brigands, composed of from 300 to 400 men, armed with deadly weapons, existed in and about the pueblo of Tarangnan, in the Province of Samar, P. I.
2. That the armed band had conspired together to steal carabaos and other personal property by means of force and violence, and to roam over the country for that purpose.
3. That the accused had full knowledge of the existence of said band, he having had frequent intercourse with them.
4. That on or about the 20th day of December, 1902, the accused, in the jurisdiction of the pueblo of Tarangnan, in the Province of Samar, P. I., did voluntarily aid the band of brigands by giving them food consisting of rice and fish, and also by giving them information concerning the movements of certain forces of the Philippines Constabulary located in the Province of Samar.

The trial judge, after hearing the proof, sentenced the said Simon de Padua to be imprisoned for the period of twelve years, with the accessories prescribed by law and the costs.

It is the judgment of this court that this sentence be affirmed, and it is so ordered.

Arellano, C. J., Torres, Cooper, Willard, Mapa, and McDonough, JJ., concur.