

4 Phil. 170

[G.R. No. 1541. January 26, 1905]

**THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. VICENTE SANTILLAN,
DEFENDANT AND APPELLANT.**

D E C I S I O N

ARELLANO, C.J.:

The defendant is guilty of the crime of homicide. The court below in its judgment duly stated that neither the specific circumstance of premeditation, as alleged in the complaint, nor any other aggravating circumstance has been present. The prosecution in this instance agrees with this finding. The extenuating circumstance of obduracy has been well taken into consideration. The supreme court of Spain in a decision rendered on February 20, 1884, said that the resentment for rivalry in love relations with a woman is a powerful instigator of jealousy and prone to produce anger and obduracy. There was no error in the trial below, nor indeed has any been alleged by the defense. The judgment of the court by which Vicente Santillan is sentenced to twelve years and one day of *reclusion temporal*, to pay P1,000, Philippine currency, to the family of the deceased, and the costs, is wholly in conformity with the law and with the provisions of the Penal Code.

Therefore we affirm the judgment below, with the costs in this instance. Let the case be remanded to the court below for execution. So ordered.

Torres, Mapa, Johnson, and Carson, JJ. concur.

