

4 Phil. 330

[ G.R. No. 1741. March 25, 1905 ]

**THE UNITED STATES, COMPLAINANT AND APPELLEE, VS. CEFERINO IBRADO ET AL., DEFENDANTS AND APPELLANTS.**

**D E C I S I O N**

**CARSON, J.:**

The evidence in this case fully sustains the findings of the trial court and establishes the guilt of the accused beyond a reasonable doubt, and we find no error in the proceedings prejudicial to the rights of the accused, except that in the sentence imposed it is ordered that in case of insolvency the accused should suffer subsidiary imprisonment at the rate of 12 1/2 pesetas a day on account of unpaid costs.

There is no provision in the Penal Code for the imposition of subsidiary imprisonment on account of nonpayment of costs, and the sentence should therefore be modified so as to omit said provision, and thus modified it should be affirmed. So ordered.

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