

[ G.R. No. 2176. April 18, 1905 ]

**THE UNITED STATES, COMPLAINANT AND APPELLEE, VS. CANDIDO FULGUERAS, DEFENDANT AND APPELLANT.**

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

**MAPA, J.:**

The defendant is charged with the crime of seeking to alter the price of things, committed, according to the complaint, as follows:

“That the defendant in the months of March to July, 1904, attributed to himself a supernatural power and, pretending to hold a commission from a powerful chief in Manila, went about distributing papers and proclamations to the people of Oroquieta, Province of Cagayan de Misamis, spreading subversive and fanatical ideas, and with orders from his alleged chief to lower the prices of needful commodities and to reform the customs under the penalty of being visited with flood and other calamities. That by these machinations and deceits the defendant succeeded in deceiving ignorant people and causing them to provide themselves with instruments of measure larger than they formerly had and different from the regular size and also succeeded in making them lower the prices of commodities of everyday life, all with violation of the law.”

The court below found all these charges well proven and sentenced the defendant to the penalty of six months’ *arresto mayor* and to pay a fine of 5,000 pesetas, in accordance with the provisions of article 544 of the Penal Code.

We agree with the conclusions of law and fact set forth in the judgment appealed from, the former being in accordance with the facts in the case and the latter with the provisions of the mentioned code. In the commission of the crime there is no extenuating circumstance to

modify the penalty prescribed therefor, and it therefore should be imposed on the defendant in its medium degree and not in its maximum degree as was done by the judgment appealed from.

We affirm the judgment appealed from, it being understood that the penalty imposed on the defendant shall be four months' *arresto mayor* and a fine of 1,250 pesetas. The defendant shall be credited in the fulfillment of this penalty with one-half of the time which he has remained in prison, and the imprisonment which he shall suffer by reason of subsidiary liability in case of insolvency shall not exceed one-third of the time of his principal imprisonment, in accordance with rule 1 of article 50 of the Penal Code. We also impose on defendant the costs in this instance. So ordered.

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

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