

4 Phil. 470

[G.R. No. 2118. April 26, 1905]

**THE UNITED STATES, COMPLAINANT AND APPELLEE, VS. PABLO VALDEHUEZA,
DEFENDANT AND APPELLANT.**

D E C I S I O N

WILLARD, J.:

The testimony of the witnesses Agripino Soluaga and Vicente Neri concerning conversations had between them and the deceased Diego Veement was not competent against the defendant, but after rejecting this evidence enough remains to prove the commission of the crime charged.

It is claimed by the defendant that it is no part of the official duty of the president of a municipality to send prisoners in his charge to the capital of the province upon receiving directions to that effect from the provincial governor. We can not sustain this contention. By the provisions of the Municipal Code the president of a municipality has the control of the police officers, and he has the power to give directions to them as to the custody of prisoners in their charge. The evidence shows that he ordered released the prisoner Diego upon receiving from him the sum of 20 pesos, instead of obeying the orders of the provincial governor requiring him to send this prisoner to the capital. Having the prisoner under his charge, we have no doubt that it was part of his official duty to obey the orders of the provincial governor in this respect. There is added to the penalty imposed by the court below the punishment of *inhabilitacion especial temporal* for eight years and one day. With this modification the judgment of the court below is affirmed, with the costs of this instance against the defendant.

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

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