

5 Phil. 576

[G.R. No. 2323. January 31, 1906]

**THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. NATIVIDAD PAREJA,
DEFENDANT AND APPELLANT.**

D E C I S I O N

CARSON, J.:

Natividad Pareja, the appellant in this case, was convicted of the crime of theft of a watch of the value of \$50, Mexican currency, the property of one Gregorio Ghitay, and sentenced, in accordance with the provisions of paragraph 4 of article 518 of the Penal Code, to four months imprisonment (*arresto mayor* in its medium degree) and to pay the costs of the action, and further, to pay to the said Gregorio Gutay the value of the watch, or to undergo the subsidiary imprisonment as prescribed in article 50 of the Penal Code.

The findings of the trial court are fully sustained by the evidence and we find no error in the proceedings prejudicial to the rights of the accused.

The sentence imposed should be modified so as to include a direction to the accused to restore the stolen watch to its owner, or to pay the value thereof in the event that for any reason this direction can not be complied with; and thus modified the judgment and sentence appealed from is affirmed, Avith the costs against the appellant. So ordered.

Arellano, C. J., Mapa, Johnson, and Willard, JJ., concur.

