

5 Phil. 631

[G.R. No. 2451. February 17, 1906]

**THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. LEON LINESES,
DEFENDANT AND APPELLANT.**

D E C I S I O N

CARSON, J.:

The accused in this case was convicted of the crime of conspiracy, as defined and penalized in section 4 of Act No. 292 of the Philippine Commission, and sentenced to the penalty of two years' imprisonment and to a fine of \$1,000, with subsidiary imprisonment in case of insolvency, and to pay the costs of the trial.

The evidence contained in the record fully sustains the findings of the trial court, and we find no error in the proceedings prejudicial to the rights of the accused, except that the court imposed subsidiary imprisonment in the event of nonpayment of the fine, which is not authorized by the provisions of the act.

Except so much of the sentence as undertakes to impose subsidiary imprisonment, which is hereby reversed, the judgment and sentence appealed from is affirmed, with the costs of this instance against the appellant. So ordered.

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