

[G.R. No. 2750. August 22, 1906]

**THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. SANTIAGO ALDOS ET AL.,
DEFENDANTS AND APPELLANTS.**

D E C I S I O N

WILLARD, J.:

The defendants were positively identified by Luis Catajay, Teodoro Catajay, and David Cervo, witnesses for the Government, as being among the people who committed the robbery of the three carabaos in question. The robbers were followed by the Constabulary, and within twenty-four hours, and at the distance of a day's journey, the property was found near the residence of the defendants. This evidence is sufficient to convict the defendants of participation in the robbery.

The objections urged in this court to the sufficiency of the complaint can not avail the appellants because they were not presented in the court below. *United States vs. Sarabia*^[1] (3 Off. Gaz., 403).

The crime committed was *robo en cuadrilla* and the judgment is modified by imposing upon Santiago Aldos the penalty of fourteen years eight months and one day imprisonment (*cadena temporal*) and upon the other appellants nine years' imprisonment (*prision mayor*). In all other respects the judgment is affirmed with the costs of this instance against the appellants. At the expiration of ten days judgment should be entered in accordance with this decision and ten days thereafter the case remanded to the court below for execution of said judgment So ordered.

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

^[1] 4 Phil. Rep., 566.

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