

7 Phil. 203

[ G.R. No. 2757. December 20, 1906 ]

**THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. CHAN LIM ALAN,  
DEFENDANT AND APPELLANT.**

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

**CARSON, J.:**

The accused was found guilty of the crime of robbery and sentenced to two years eleven months and eleven days' imprisonment (*prision correccional*), to the payment of the costs of the trial, and to restore the property unlawfully taken or to pay the owner thereof the sum of P205, Philippine currency, and in the event of insolvency to undergo subsidiary imprisonment in accordance with the provisions of the Penal Code.

The evidence in this case is conclusive, if the testimony of the witnesses can be believed, and although there are indications of the existence of malice in the prosecution and possibly a conspiracy to convict the accused, nevertheless, as the trial court appears to have had these facts in mind and was not unaware of the possibility of the existence of improper motives actuating the witnesses for the prosecution, we think his judgment as to their credibility must be sustained.

The penalty prescribed by the Penal Code is *presidio correccional* and not *prision correccional*, and the proof adduced at the trial established that the value of the property stolen was P200, Philippine currency, and not P205, and the sentence imposed should be modified accordingly, and thus modified the sentence imposed by the trial court is affirmed. After expiration of ten days let judgment be entered "in accordance herewith and ten days thereafter the record remanded to the court from whence it came for proper action. So ordered.

*Arellano, C. J., Torres, Mapa, Willard, and Tracey, JJ., concur.*

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