

EL PUEBLO DE LAS ISLAS FILIPINAS, QUERELLANTE Y APELADO, CONTRA CATALINO LUCENA, ACUSADO Y APELANTE.

G.R. No. L-814. April 30, 1947

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EL PUEBLO DE LAS ISLAS FILIPINAS, QUERELLANTE Y APELADO, CONTRA CATALINO LUCENA, ACUSADO Y APELANTE. body { font-family: Verdana, Geneva, Arial, helvetica, sans-serif; font-size:80%; background-color:#FFFFFF; margin:0 2% 0 2%; text-align: justify; } h1 { font-family:times; } h2 { background-color:#cccccc; padding:10px 0 10px 0; font-weight: bold; text-align: center; } h3 { font-weight: bold; text-transform: uppercase; text-align: center; } div#footer { font-size:9px; }

DERECHO PENAL; PENAS.—El acusado infringió el artículo 309, parrafo 4, del Código Penal Revisado que provee la pena de arresto mayor en su grado medio a prisión correccional en su grado mínimo, de 2 meses y 1 día a 2 años y 4 meses, porque el valor de los efectos hurtados era de P77. Debe tenerse en cuenta la circunstancia atenuante de su espontánea declaración de culpabilidad. Se impone al acusado la pena de 2 meses y un día de arresto mayor, que es el grado mínimo de la pena prescrita por la ley, a restituir los efectos hurtados o indemnizar al dueño de los mismos en la cantidad de P77 con prisión subsidiaria que no exceda de la tercera parte de la pena principal, sin abono de la prisión preventiva, pero con las costas del juicio.

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