

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. ONG CHANG WING ET AL., DEFENDANTS AND APPELLANTS.

G.R. No. L-4530. December 15, 1908

Ponente: CARSON, J.

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CARSON, J.:

GAMBLING; REPEAL OF PENAL STATUTES; JURISDICTION TO IMPOSE PENALTIES.—From the Court of First Instance of Manila. Gilbert, J.

Defendants were prosecuted under the provisions of article 343 of the Penal Code. Counsel for the defense contends that as the above article was repealed by Act No. 1757, after the offense was committed but before proceedings were instituted, the court had no jurisdiction to impose the penalty prescribed in the repealed article. Following the rule established in *United States vs. El Chino Cuna* (alias *Sy Conco*) (page 241, *supra*), question decided adversely to the contention of the appellants. The guilt of the accused held to be fully established by the record and no error prejudicial to their rights appearing, judgment affirmed.

For appellants: Southworth & Ingersoll.

For appellee: Solicitor-General Harvey.

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