

LOS ESTADOS UNIDOS, QUERELLANTE Y APELADO, CONTRA IGNACIO ILAGAN, ACUSADO Y APELANTE

REGISTER GENERAL NO. 4419. March 13, 1908

Ponente: MAPA, J.

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MAPA, J.:

RAPE.—Front the Court of First Instance of Batangas. Evidence held to be sufficient to justify the conviction of the accused. Judgment affirmed.

Per Mapa, J.

For appellant: Hipolito Magsalin.

For appellee: Attorney-General Araneta.

DECISION

Las prueben demuestran sin genero alguno de duda que el acusado yacion con la ofendida, joven de 13 años de edad, usando de fuerza con la que consiguio vencer la resistencia opuesta por la misma. Este hecho consituye el delito de violacion previsto y penado en el articulo 438 delCodigo penal, como asi lo califico acertadamente el Juez en la sentencia apelada. La pena de diez y siete años de reclusion temporal impuesta al acusado se halla arreglada a derecho, procedentos y legales son tambien los demas pronunciamientos que dicha sentencia contiene.

Se confirma la sentencia apelada con las costas de esta instancia al acusado. Trascurridos diez dias desde la notificacion de esta decision, dictese sentencia a tenor de lo resuelto y diez dias despues, devueltase la causa al Juzgado de su procendencia para los efectos a que en derecho hubiere lugar.

Asi se ordena.

Arellano, C.J., Gomez, Johnson, Carson, Willard, y Tracey.

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