

EL PUEBLO DE FILIPINAS, QUERELLANTE Y APELADO, CONTRA SEGUNDO UBALDO, ACUSADO Y APELANTE.

G.R. No. L-1388. July 14, 1948

Ponente: BRIONES, J.

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BRIONES, J.:

1. DERECHO PENAL; TRAICION COARTADA; CASO DE AUTOS.- La defensa del apelante es te coardad. El dice que en la ocasion de autos no estaba en Banadero como alega la acusacio, sino en Cabuyao, de la misma provincia de Laguna; pero aun suponiendo cierto que el acusado se habia refugaiado en Cabuyao, el Tribunal a quo concluye acertadamente que no le era imposible estar en Banadero y participar en la captura de Ballatan y campaneros entregandolos despues a los japoneses, pues ambos sitios, banadero y Cabuyao, son bastan cercanos. la coartada, por tanto, dista de ser convicente.

Paras, Pres., Interino, Feria, Pablo, Perfecto, Bengzon, Padilla y Tuason, MM., estan conformes.

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