

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. ROSAURO ENRIQUE ET AL., DEFENDANTS. ROSAURO ENRIQUEZ AND PACIFICO DE GUZMAN, APPELLANTS.

G.R. No. 12710. September 06, 1917

Ponente: JOHNSON, J.

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JOHNSON, J.:

A complaint was presented against said defendants in the court of the justice of the peace of the municipality of Pasig, Province of Rizal, on the 27th day of January, 1916. A preliminary examination was held and said defendants were held for trial in the Court of First Instance. On the 10th day of May, 1916, the prosecuting attorney of the Province of Rizal renewed said complaint in the Court of First Instance. Said defendants were charged with a violation of Act No. 1757. Upon said complaint the defendants were duly arraigned, tried and some of them were found guilty of the crime charged and others were dismissed. The said Rosauro Enriquez and Pacifico de Guzman were found guilty of a violation of said law and sentenced to be imprisoned for a period of six months and each to pay a fine of P500, and, in case of insolvency, to suffer subsidiary imprisonment, and to pay a proportional amount of the costs. From that sentence they appealed.

After hearing the evidence, the Honorable Alberto Barretto, judge, made the following finding of facts relative to appellants:

"From the evidence presented the court is fully convinced that on the 26th day of January, 1916, a hueteng game was played in the house of Alejo Roble, situated in the barrio of Santolan of the municipality of Pasig of this Province of Rizal; that the defendant Rosauro Enriquez, with others whose participation in said game could not be positively established was the 'capitalist' thereof, and that on the date mentioned the defendant Pacifico de Guzman was also one of the players who took part therein; that the game played in said house was the one known by the name of hueteng, in which, after the collectors have gathered in or collected the wagers through means of the lists (the prosecution's Exhibit A), two balls are drawn successively by lot, the first ball being awarded the first prize, the second ball the second prize; and that this game of hueteng is also called al cambio [exchange], because the wagers are made on the two numbers successively drawn as prize winners and are paid at the rate of thirty for one in the first drawing and are again paid thirty for one the second time in the second drawing.

"The Court has arrived at the foregoing finding of facts by the evidence presented by the prosecution and which has in nowise been weakened by that of the defense. The latter's evidence, on the contrary, is in all respects unlikely and deserves no credence whatever in the opinion of the court, who is fully convinced that the game of hueteng was played on the date aforementioned."

The appellants present a question of fact only. After a careful examination of the evidence, we find that the facts stated by the lower court are fully sustained thereby, and that the evidence shows that the defendants and appellants are guilty of the crime charged in the complaint, beyond a reasonable doubt

Therefore, the sentence of the lower court is hereby affirmed, with costs. So ordered.

Arellano, C. J., Carson, Araullo, Street, and Malcolm, JJ., concur.

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