

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. CATALINA SILVANO, DEFENDANT AND APPELLANT.

G.R. No. 12756. September 06, 1917

Ponente: MALCOLM, J.

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MALCOLM, J.:

The defendant and appellant caused the death of her husband, Maximo Catalong, by hitting him with a hammer. While this fact is principally established by circumstantial evidence, this evidence is convincing and is of such a nature as to be only consistent with the theory that the wife committed the crime of parricide. We find no reason for interfering with the findings of the trial court. (U. S. vs. Ambrosio and Falsario [1910], 17 Phil. Rep., 295.)

Having in mind article 402 in connection with article 95 of the Penal Code, the defendant and appellant is sentenced to reclusion perpetua, and to pay the costs of both instances. The Attorney-General also recommends that the defendant be ordered to indemnify the heirs of the deceased in the amount of P1,000. If this was a case of first impression, the writer would hesitate to fix this sum arbitrarily in a criminal prosecution and with no basis having been laid in the trial, but having in mind the practice of the court, accedes to the request without argument. So ordered.

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

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