

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. MATEA CAÑETE, DEFENDANT AND APPELLANT.

G.R. No. 12921. September 29, 1917

Ponente: MALCOLM, J.

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MALCOLM, J.:

On this appeal counsel for appellant has overwhelmed the court with a brief of 74 pages, containing a foreword and nicely divided into parts and subdivisions, with headings suggestive of the characters of a play. Yet, after all is said and done, the case turns entirely on the credibility of the witnesses. And the lower court, after fair trial was convinced that the defendant had been proved guilty beyond a reasonable doubt. While we have followed carefully the argument of counsel on behalf of his client, we do not feel it our duty to interfere with the findings of the trial court, and can reach no other conclusion from the testimony both of the prosecution and the defense, including the admissions of the defendant and her confessions, than that she had this considerable amount of opium in her possession.

The judgment of the lower court should have provided for subsidiary imprisonment in case of insolvency. We are also convinced through the argument of counsel not that the defendant is not guilty, but that, the evidence pointing to this woman as having been merely the tool of others, the penalty should be lighter than that imposed. Accordingly, we modify the judgment of the lower court by substituting six months imprisonment, a fine of ^300 with subsidiary imprisonment in case of insolvency, and the costs of both instances. So ordered.

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

JOHNSON, J., dissenting.

I do not concur. I am of the opinion that the judgment should be affirmed.

CARSON, J.:

I reserve my vote.

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