THE UNITED STATES, COMPLAINANT AND APPELLEE, VS. SILVERIO PADERES, DEFENDANT AND APPELLANT.

G.R. No. 2614. December 21, 1905

Ponente: JOHNSON, J.

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JOHNSON, J.:

This defendant was charged with the crime of homicide in the Court of First Instance of the Province of Capiz. During the trial in the inferior court the defendant gave proof in his own behalf, and admitted that he did, on or about the 2d day of October, 1904, kill Melecio Magdael, and undertook to justify his act by showing that the deceased had made certain aggressions against him. The evidence discloses the fact that the defendant was at the house of Melecia Magdael on the night when Melecio Magdael was killed, for an unlawful purpose; that Melecio was the brother of Melecia; that when Melecia discovered the defendant in her house she called her brother, Melecio, for help; that her brother at once came to her assistance. A quarrel ensued between Melecio and the defendant, as a result of which Melecio was killed. The evidence fails to disclose either aggravating or extenuating circumstances. The inferior court found the defendant guilty of the crime of homicide, and that there was neither aggravating nor extenuating circumstances, and sentenced the defendant to be imprisoned for the period of fourteen years eight months and one day of reclusion temporal, under article 404 of the Penal Code, and to pay the costs.

An examination of the evidence adduced at the trial in the inferior court shows beyond peradventure of doubt that the sentence of the inferior court was in accordance with the evidence adduced during the said trial. Said sentence is therefore affirmed, with costs. So ordered.

Arellano, C. J., Mapa, Carson, and Willard, JJ., concur.

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