

UNITED STATES, PLAINTIFF AND APPELLEE, VS. SANTIAGO LASALA, DEFENDANT AND APPELLANT.

G.R. No. 3757. March 13, 1908

Ponente: JOHNSON, J.

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JOHNSON, J.:

This defendant was charged with the crime "de tentative de violation", in the Court of First Instance of the Province of Surigao, was found guilty of said crime and sentences to be imprisoned for a period of two years, four months and one day of prision correccional, to suffer the accessory penalties of the law and to pay the costs.

From that sentence the defendant appealed to this court.

At the time of the alleged commission of the offence, according to the statement of the offended party, there were three adult persons in the house besides herself. The Prosecuting attorney called but she of these persons to support the testimony of the offended person. The statement of the prosecuting witness and of the other person called to support her testimony seem son unreasonable and unnatural that we decline to believe them. There being no other proof against the defendant to support the charges made in the complaint, he must be and is hereby acquitted of said charges, and if it is found that he is detained, it is hereby ordered that he be given his liberty immediately.

Without any finding as to costs it is so ordered.

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