

THE PEOPLE OF THE PHILIPPINE ISLANDS, PLAINTIFF AND APPELLEE, VS. PABLO PORRAS, DEFENDANT AND APPELLANT.

G.R. No. 38107. October 16, 1933

Ponente: BUTTE, J.

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BUTTE, J.:

This is an appeal from a judgment of the Court of First Instance of Iloilo, convicting the appellant of rape.

The complaint filed by the offended party is as follows:

"Que en o hacia el 8 de mayo de 1932 y dentro de la jurisdiccion de este Juzgado, a saber, en el Municipio de Calinog, Provincia de Iloilo, Islas Filipinas, el referido acusado siendo padre de la que suscribe, aprovechandose de la oscuridad de la noche para mejor realizar su proposito y en un lugar despoblado, mediante fuerza, amenaza e intimidacion yacio con la que suscribe contra su voluntad, sabiendo dicho acusado que la que suscribe es una mujer casada."

The court below sentenced the defendant-appellant to seventeen years, four months and one day of reclusion temporal.

The attorney de oficio submits five assignments of error all of which relate to issues of fact. We have carefully examined the entire record and concur with the court below that the guilt of the appellant has been established beyond any reasonable doubt. The crime of rape is penalized by article 335 of the Revised Penal Code with reclusion temporal. In the present instance, the aggravating Circumstance of relationship (article 15 of the Revised Penal Code) must be taken into consideration. The crime in this case was so monstrous that no punishment which it is in the power of this or any other human tribunal to decree, could possibly be a sufficient expiation of the offense. We assess the penalty at twenty years of reclusion temporal, and, as thus modified, affirm the judgment of the court below.

Avanceña, C. J., Street, Abad Santos, and Vickers, JJ., concur.

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