

THE PEOPLE OF THE PHILIPPINE ISLANDS, PLAINTIFF AND APPELLEE, VS. AURELIO S. DEL PRADO (ALIAS MCCARTHY), DEFENDANT AND APPELLANT.

G.R. No. 38125. October 28, 1933

Ponente: BUTTE, J.

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BUTTE, J.:

This is an appeal from a judgment of the Court of First Instance of Zamboanga, convicting the appellant of the crime of rape with grave physical injury and sentencing him to suffer twenty years of reclusion temporal. On this appeal only one error is assigned, namely, that the prosecution failed to prove that the crime was committed in the territory embraced with the court's jurisdiction. There is no merit in this contention. Apart from the fact that there is direct testimony that the barrio of Calarian is in the municipality of Zamboanga (page 13 of the transcript), there is no question that the court may take judicial notice that said barrio is within the geographical limits of the municipality of Zamboanga. (Cf. *People vs. Samonte*, G. R. No. 36559, promulgated July 26, 1932.)^[1]

In criminal cases, this court does not confine its review to the errors assigned. We have therefore carefully examined the entire record in this case in view of the heinousness of the offense and gravity of the sentence. There are some details in the story told by the offended girl which seem to us incredible and cast a doubt upon her veracity. But there is other and independent corroboratory evidence as to the essentials of the crime, the corpus delicti, properly so called, which points to the guilt of the defendant beyond reasonable doubt.

The judgment appealed from is affirmed with costs de officio.

Street, Abad Santos, Vickers, and Imperial, JJ., concur.

[1] 157 Phil., 968.

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