

UNITED STATES, PLAINTIFF AND APPELLEE, VS. HONORIO JUAN, DEFENDANT AND APPELLANT

G.R. No. 3829. March 16, 1908

Ponente: JOHNSON, J.

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JOHNSON, J.:

RESISTING THE AUTHORITIES.—From the Court of First Instance of Amhos Camarines. Evidence held to fully justify the conviction, and judgment affirmed.

Per Johnson, J.

For appellant: J. Rodriguez Serra.

For appellee: Attorney-General Araneta.

DECISION

This defendant was charged with the offense of "robo con lesiones", in the Court of First Instance of Ilocos Norte, was found guilty of said offense and was sentenced to be imprisoned for a period of three years, eight months and one day of presidio correccional, to indemnify the offended person, Timoteo Parilla, in the sum of P18.00 and to pay the costs. From that sentence the defendant appealed to this court.

An examination of the record brought to this court fully justifies the findings of fact and the conclusions of the lower court. The lower court, however, failed to impose subsidiary imprisonment in case of insolvency of the defendant. The sentence of the lower court is therefore hereby modified and the defendant is hereby sentenced to be imprisoned for a period of three years, eight months and one day of prision correccional, to indemnify the offended person in the sum of P18.00, and in case of insolvency to suffer subsidiary imprisonment and to pay the costs. In case, however, that the defendant has been detained during the pendency of this action against him, he is entitled to the application of one-half of such time to the reduction of this penalty.

It is so ordered.

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