

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. JUAN BAILON, DEFENDANT AND APPELLANT.

G.R. No. 3996. November 06, 1907

Ponente: ARELLANO, C.J.

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ARELLANO, C.J.:

The accused was convicted of the crime of coercion, and he is guilty of a consummated crime, and not merely of a frustrated one as appears in the judgment, inasmuch as he prevented Macario Arsitio, who was constructing a fence, from going on with his work by attempting to cut the latter with a bolo; the blow, however, took effect on the fence. Notwithstanding the fact that the injured party was afterwards able to go on with his work, the employment of violence by one person by which another is prevented from doing something that is not lawfully forbidden, and which the latter is temporarily obliged to forego, constitutes de facto the consummated crime of coercion.

Therefore, Juan Bailon is hereby sentenced to the penalty of two months and one day of arresto mayor in addition to the fine imposed by the judgment appealed from, with the costs of both instances. So ordered.

Torres, Mapa, Johnson, Carson, Willard, and Tracey, JJ., concur.

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