

**THE PEOPLE OF THE PHILIPPINE ISLANDS, PLAINTIFF AND
APPELLEE, VS.ROBERTO C. SANTOS, DEFENDANT AND APPELLANT.**

G. R. No. 40200. June 02, 1934

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J. STEVENS-ACTING CLERK OF COURT

This court having regularly acquired jurisdiction for the trial of the above-entitled cause submitted by both parties for decision,after consideration thereof by the Court upon the record, its decision and order for the judgment having been filed on the _____17th_____day of _____May_____, A. D. nineteen hundred and _____thirty-four_____;

By virtue thereof it is hereby adjudged and decreed that the order of the Court of the First Instance of _____Pampanga_____, dated the_____12th_____day of _____July_____, nineteen hundred and _____thirty-three_____, and from which the above-entitled appeal was taken, be, and the same is hereby, affirmed insofar as it finds the appellant guilty of crime with which he is charged; however, as the lower court instead of applying Art. 7 of the Act 3992, applied Art. 365 of the Revised Penal Code which has been amended by the former, said judgment is modified, hereby sentencing the appellant to an indeterminate penalty of from 1 year to 4 months of imprisonment in accordance with the provision of Act No. 4103, to indemnify the heirs of Juan Galang in the sum of P1,000, suffering in case of insolvency the corresponding subsidiary imprisonment, and to pay the costs of the proceeding in both instances. The costs in this instance amount to P24.00 for the collection of which the trial Judge shall proceed by summary proceedings.

It is further ordered that the said cause be remanded to the Court of First Instance.

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