THE PEOPLE OF THE PHILIPPINE ISLANDS, PLAINTIFF AND APPELLEE, VS.CANDIDO ESPARAS, DEFENDANT AND APPELLANT.

G. R. No. 40269. June 04, 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 _____18th_____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 _____Sorsogon_____, dated the_____21st_____ 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 declares the appellant guilty of the crime of homicide thru reckless imprudence, but, said judgment is modified as regards the penalty, and the appellant is hereby sentenced to an indeterminate penalty from 1 to 3 years of prision correccional in conformity with act No. 4103, to indemnify the heirs of the deceased Anastacio Encinares in the sum of P1,000.00 suffering in case of insolvency in said indemnification, the corresponding subsidiary imprisonment, and to pay the costs of the proceedings 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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