

THE PEOPLE OF THE PHILIPPINE ISLANDS, PLAINTIFF AND APPELLEE, VS. DOMINADOR MERCADO Y SANCHEZ, DEFENDANT AND APPELLANT.

G. R. No. 41184. August 01, 1934

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V. ALBERT, CLERK, SUPREME COURT, P.I.

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 _____16th_____ day of _____July_____, 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 _____Manila_____, dated the _____12th_____ day of _____January_____, nineteen hundred and _____thirty-three_____, and from which the above-entitled appeal was taken, be, and the same is hereby, affirmed with the modification that the penalty which should be imposed upon the appellant is 6 months of arresto mayor, the aggravating circumstance of recidivism being present without any attenuating circumstance to compensate the same; and, for being a habitual delinquent, an additional penalty of 2 years, 4 months and 1 day of prision correccional, indemnification of Teodoro R. Yangco in the amount of P43.47, with the corresponding subsidiary imprisonment in case of insolvency, (Art 309, par. 5 and Art. 62, rule 5 (a) of the Revised Penal Code) is also imposed upon said appellant, with costs. The costs 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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