

**THE PEOPLE OF THE PHILIPPINE ISLANDS, PLAINTIFF AND  
APPELLEE, VS. FRANCISCO DEL CARMEN, DEFENDANT AND  
APPELLANT.**

*G. R. No. 41424. August 30, 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 \_\_\_\_\_ 14th \_\_\_\_\_ day of \_\_\_\_\_ August \_\_\_\_\_, 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 \_\_\_\_\_ Ilocos Sur \_\_\_\_\_, dated the \_\_\_\_\_ 9th \_\_\_\_\_ day of \_\_\_\_\_ January \_\_\_\_\_, nineteen hundred and \_\_\_\_\_ thirty-four \_\_\_\_\_, and from which the above-entitled appeal was taken, be, and the same is hereby, affirmed with the modification of imposing upon the appellant the penalty of 5 years, 5 months and 11 days of prision correccional, however, in conformity with the provisions of Act No. 4103, the minimum of said penalty is fixed at 3 years of prision correccional, with costs against the appellant. 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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