

THE UNITED STATES, PLAINTIFF AND APPELLEE. VS. DOMINGO AGUILAR ET AL, DEFENDANTS AND APPELLANTS.

G.R. No. 4182. March 21, 1908

Ponente: CARSON, J.

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CARSON, J.:

ROBBERY; RESISTANCE BY VICTIM.—From the Court of First Instance of Pampanga. The evidence held to show conclusively that the accused committed the robbery charged, and further, that the mere fact that the victims offered no active physical resistance did not affect the nature of the offense. Judgment of conviction affirmed.

Per Carson, J.

For appellants: Eugenio de Lara, and Juan M. Paterno.

For appellee: Attorney-General Araneta.

DECISION

The identity of the accused as members of the armed band who committed the robbery with which they are charged is conclusively established by the testimony of the witnesses Eusebia Soriano, Marcosa Gomez, and Lauro Gomez. The mere fact that their victims offered no active physical resistance to the taking of their property does not affect the nature of the offense committed, it appearing that the robbers forced their way into the house against the will of the occupants, and with threats of violence intimidated them to such an extent that they did not dare resist, or refuse to give the robbers whatever was demanded of them.

We find no error in the proceedings prejudicial to the rights of the accused, and the judgment and sentence of the trial court are affirmed, with the costs of this instance against the appellant.

It is so ordered.

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