THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. FELIX PIÑA AND EMILIANO LAMPANA, DEFENDANTS. FELIX PIÑA, APPELLANT.

G.R. No. 4428. November 23, 1908

Ponente: MAPA, J.

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MAPA, J.:

THEFT; AGGRAVATING CIRCUMSTANCE.—From the Court of First Instance of Manila. Smith, J.

The appellant was convicted of the theft of one thousand nine hundred pesos with the aggravating circumstance of nocturnity and sentenced under paragraph 2, article 518 of the Penal Code, to two years, eleven months and eleven days of prision correccional. Evidence held to establish the guilt of the accused but that the penalty of presidio instead of prision correccional should be imposed, and judgment modified accordingly.

For appellant: Fernando Salas.

For appellee: Attorney-General Araneta.

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