

EL PUEBLO DE FILIPINAS, QUERELLANTE Y APELADO, CONTRA PEDRO C. BULURAN, GAVINO Y. ALVAREZ Y CRISANTA C. BULURAN, ACUSADOS Y APELANTES.

G.R. No. 46797. February 16, 1940

Ponente: AVANCEÑA, C.J.

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AVANCEÑA, C.J.:

Los apelantes fueron condenados en el Juzgado de Primera Instancia de Manila por violacion de la seccion 2, en relacion con las secciones 7 y 8, de la Ley No. 2581 de la Legislatura Filipina, conocida por "Blue Sky Law". Declararon ser culpables de la violacion acusada y fueron condenados, cada uno, a pagar una multa de P200, con la prision subsidiaria en caso de insolvencia, y la parte proporcional de las costas del juicio.

Lo unico que los apelantes alegan en esta instancia es que la pena impuesta a ellos es excesiva y debe ser reducida. La pena senalada por la ley a la violacion acusada es la de una multa no mayor de P10,000 o prision que no exceda de cinco anos, o, ambas penas. Dada esta extension de la pena senalada a la violacion, no puede considerarse excesiva la impuesta por el Juzgado. No es aplicable el caso de "People contra Rosenthal", que los apelantes invocan, pues, en aquel el Tribunal declaro que el acusado habfa obrado de buena fe y habia restituido a los interesados el importe de las acciones, circunstancias que no concurren en este caso.

El Procurador General por su parte pide que la pena impuesta sea aumentada. La pena impuesta por el Juzgado esta dentro de los limites que la ley le permite imponer, segun su discrecion. No hallamos razon para alterar el juicio del Juzgado en el uso de esta discrecion.

Se confirma la sentencia apelada con las costas a los apelantes. Asi se ordena.

Villa-Real, Imperial, Diaz, Laurel, Concepcion, y Moran, MM., estan conformes.

Se confirma la sentencia.

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