

EL PUEBLO DE FILIPINAS, QUERELLANTE Y APELADO, CONTRA FERMIN GONZALEZ, ACUSADO Y APELANTE.

G.R. No. 46953. November 28, 1940

Ponente: HORRILLEN, J.

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HORRILLEN, J.:

Fermin Gonzalez, el apelante, fue condenado por el Juzgado de Primera Instancia de Manila a pagar una multa de P200 por infraccion del articulo 40, en relacion con el 4, de la Ley del Commonwealth No. 83, conocida como Ley de Valores. Considerando excesiva la multa, apelo de la sentencia para ante este Tribunal, al cual pide que se reduzca dicha multa a P50.

La pena senalada por la ley para la infraccion alegada en la querella es la de multa que no exceda de P10,000 o prision que no sea mas de dos anos, o ambas cosas. Esta, por tanto, dentro de la sana discretion del tribunal sentenciador el imponer multa o prision o ambas cosas dentro de los limites fijados por dicha ley al infractor de la misma. Habida consideration de la naturaleza de la infraccion de que se trata y la pena senalada por la ley, es nuestro sentir que el Tribunal a quo, al condenar al apelante Fermin Gonzalez a pagar una multa de P200, no abuso de su discrecidn. Procede, en consecuencia, confirmar, y asi lo hacemos, la sentencia apelada en todas sus partes, con las costas en ambas instancias a cargo del apelante. Asi se ordena.

Avanceña, Pres., Imperial, Diaz, y Laurel, MM., estan conformes.

Se confirma la sentencia.

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