

## **EL PUEBLO DE FILIPINAS, QUERELLANTE Y APELADO, CONTRA ALEJANDRO ENCARNACION (ALIAS GOLEM), ACUSADO Y APELANTE.**

*G.R. No. 48395. November 22, 1941*

Ponente: DIAZ, J.

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### **DIAZ, J.:**

De la sentencia del Juzgado de Primera Instancia de Manila que le declara culpable del delito de asesinato y le condena a la pena indeterminada de 10 años y 1 día de prision mayor a 17 años, 4 meses y 1 día de reclusion temporal, y a la de pagar a los herederos del finado Fermin Tenorio una indemnizacion de P2,000 ademas de las costas del proceso, Alejandro Encarnacion, alias Golem, apeld para ante el Tribunal de Apelacion en la creencia de que la pena que se le impuso era excesiva. El Tribunal de Apelacion dio traslado de la causa a este Tribunal en virtud de las disposiciones del articulo 145-K delCodigo Administrativo, segun quedo enmendado por la Ley No. 3 del Commonwealth, por haber opinado uno de sus miembros que la pena apropiada para el apelante en el caso de ser declarado culpable, es, si no la de muerte, por lo menos, la de reclusion perpetua.

Avanceña, Pres., Abad Santos, Moran, y Horrilleno, MM., estan conformes.

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