

EL PUEBLO DE FILIPINAS, QUERELLANTE Y APELADO, CONTRA FIDEL FORTUNO, ACUSADO Y APELANTE.

G.R. No. 48459. November 18, 1941

Ponente: DIAZ, J.

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DIAZ, J.:

El acusado Fidel Fortuno que lo fue en el Juzgado de Primera Instancia de Manila, del delito de estafa, por haberse apropiado fraudulentamente de un frigidaire No. 50A6039 de la propiedad de H. E. Heacock Company, avaluado en P450, que habia recibido de dicha entidad bajo la obligaci3n de devolverle el mismo dentro de dos d3as desde que se le reclamara su devoluci3n, se confeso culpable del referido delito, renunciando previamente a toda investigaci3n preliminar, cuando se le ley3 la querella. Fue sentenciado inmediatamente despues a sufrir cuatro meses y un d3a de arresto mayor, a pagar a H. E. Heacock Company una indemnizaci3n de P450 sufriendo en caso de insolvencia la prisi3n subsidiaria correspondiente, y a pagar una mitad de las costas del proceso. No obstante su confesi3n, apelo de su sentencia para ante este Tribunal, alegando que la misma no esta ajustada a la ley.

Abad Santos, Moran, Horrilleno, y Ozaeta, MM., estan conformes.

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