

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. ROMAN VALERO, DEFENDANT AND APPELLANT.

G.R. No. 5611. March 12, 1910

Ponente: MORELAND, J.

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MORELAND, J.:

The defendant in this case was convicted of a violation of section 30 of the Election Law by the Court of First Instance of the Province of Capiz, and sentenced to pay a fine of P200, to imprisonment in case of insolvency, and to pay the costs of the trial. He appealed.

It appears that during the month of July, 1907, the accused, who was then municipal president of Jamindan, made an inspection of the barrio of San Juan, situated in said municipality, accompanied by two policemen armed with rifles. On that inspection he entered the house of Gregorio Maximo, with whom he spoke concerning the election which was to be held during that month. During the course of the conversation he requested Maximo to vote for Jose Altavas for member of the Assembly. Maximo answered that he could not do so because he had already promised to vote for Hugo Vidal. At this the accused became furious and sought to intimidate Maximo, threatening that if he voted for anybody but Altavas he would find himself at the joint of a gun, that he would learn that the accused was the one who governed in Jamindan. He used other threatening language also. It further appears that some days after the election Maximo was taken from his house by a couple of Constabulary and another man by the name of Biloy, a cousin of the accused, at the instigation of the accused. The accused ordered the Constabulary to punish Maximo, and, after they had bound him to a tree, they proceeded to maltreat and beat him.

The conclusions of fact of the court below are fully justified by the proofs adduced on the trial.

The assignments of error interposed on behalf of the defendant are partly disposed of upon the facts. The remaining assignments of error relate to the question whether or not the threats proved were sufficient under the law to justify a conviction. We do not deem argument necessary to demonstrate that the court was right in his conclusions of law. We simply call attention to the language of section 30 of Act No. 1582, the terms of which are too clear to require comment:

"Any person who, by any wrongful means, shall prevent or attempt to prevent any voter from freely and fully exercising his right to vote, * * * shall be punished by imprisonment for not less than thirty days nor more than one year, or by a fine of not less than two hundred pesos nor more than five hundred pesos, or both, in the discretion of the court."

The judgment of the court below is affirmed, with costs against the appellant. So ordered.

Arellano, C. J., Torres, Mapa, Johnson, and Carson, JJ., concur.

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