

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. NARCISO DUCO ET AL., DEFENDANTS AND APPELLANTS.

G.R. No. 6110. March 11, 1911

Ponente: MORELAND, J.

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MORELAND, J.:

This is an appeal from a judgment of the Court of First Instance of the Province of Ilocos Norte, Hon. Dionisio Chanco presiding, convicting the appellants of the crime of violating the Election Law and sentencing them each to pay a fine of P200, with subsidiary imprisonment in case of insolvency, and to pay each one-ninth of the costs of the trial.

It is charged that the appellants violated paragraph 4, section 30, of the Election Law, in that on the 2d day of October, 1909, for the purpose of being registered as electors within the province named, they swore that they were not delinquent in the payment of their taxes for the preceding year, when in reality none of them had paid the tax.

The appellant Narciso Duco, testifying in his own behalf, admitted that at the time of taking the oath referred to he had not paid his taxes, but stated, by way of excuse, that he had been informed that he had the right to register without paying them, if he should pay them after registration but before election.

Pantaleon Salva, in his own behalf, stated that on the day that he registered as an elector it was rumored there that electors who were delinquent in the payment of their taxes might be registered, provided they paid their contributions on the last Saturday before election. He admitted that his taxes had not been paid on the day on which he took the oath.

Leoncio Polendey testified in his own behalf that, by reason of the rumor which was being circulated and the advice of an inspector of elections, he understood that he could take the oath and be registered in spite of the fact that he had not yet paid his taxes. He presented two receipts showing that on the 25th day of October, 1909, he had paid taxes upon real estate in the municipality of Badoc.

The appellants herein presented several other witnesses whose testimony tended to corroborate their own statements. Bonifacio Rañon presented three receipts showing that on the 28th day of October, 1909, he had paid certain territorial taxes. Cesareo Rodriguez presented a receipt showing that on the 29th day of October, 1909, he had paid his territorial tax. Pantaleon Salva presented three receipts showing that on the 25th day of October of the same year he had paid his taxes.

From these proofs it is clear that each one of the appellants knew at the time he took the oath and became registered that he had not paid his tax and was, therefore, delinquent and not qualified either to register or to vote. Such being the case, there remains no doubt as to the guilt of the appellants.

The judgment of the trial court is affirmed, except that subsidiary imprisonment, in case of insolvency, shall be served at the rate of P2.50 a day instead of P2 a day as prescribed by the judgment of the trial court.

Arellano, C. J., Mapa, Carson, and Trent, JJ., concur.

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