

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. GREGORIO DE LA ROSA, FRANCISCO SERAPION AND ROBERTO MANSANO, DEFENDANTS AND APPELLANTS.

G.R. No. 6828. December 15, 1911

Ponente: JOHNSON, J.

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JOHNSON, J.:

These defendants were charged with the crime of robo en cuadrilla, alleged to have been committed as follows:

"On or about the 24th of March of the present year, the said accused and three other unknown parties, all armed with bolos and clubs, did maliciously and criminally proceed to the house of Anastacio Cuchapin and after intimidating and maltreating him and his wife seized for the sake of personal gain the sum of P150 belonging to said Cuchapin."

After hearing the evidence adduced during the trial of the cause, the Honorable Julio Llorente, judge, found each of the defendants guilty of the crime charged and condemned each of them to be imprisoned for a period of seven years ten months and twenty-one days of presidio mayor, with the accessories of the law, to return the property stolen to the persons robbed or to indemnify jointly and severally the persons robbed in the sum of P162, and to pay the costs.

From that decision each of the defendants appealed to this court.

The Attorney-General of the Philippine Islands, after a careful analysis of the proof adduced during the trial of the cause, in his brief recommends that the sentence of the lower court be affirmed.

The Hon. Julio Llorente, after hearing the evidence adduced during the trial of the cause, made the following finding of facts in his decision:

"About 8 o'clock on the night of March 24, 1910, the house of Anastacio Cuchapin and his wife, Valentina Macabuñga, was attacked by five or six outlaws armed with bolos. Upon entering the house the ladrones made the men come outside and as Anastacio Cuchapin descended he was harshly maltreated, tied up, and placed face downwards by said ladrones. They likewise maltreated Valentina Macabuñga and then seized three blankets worth P12, and P150 in coin which said married couple had in a trunk. Shortly before the attack on the Cuchapin house the house of Pascual Ancheta was attacked. The latter states that the ladrones, after maltreating him, left the house, leaving one of their number to watch it; that this was Gregorio de la Rosa, but he was relieved by one Jorge Diego; that among the ladrones he recognized Gregorio de la Rosa and Roberto Manzano, and that from the place where he was he heard noises from the place where the Cuchapin house was located. The matter was reported on the same night and Gregorio de la Rosa arrested. There had not previously existed any trouble between the accused and the offended parties and Pascual Ancheta which would explain the motive for their being robbed by the accused."

The foregoing facts were proven beyond peradventure of doubt. The defendants are clearly guilty of the crime charged in the complaint, committed with the aggravating circumstance of nocturnity; they should, therefore, be

punished with the maximum degree of presidio mayor. Therefore the sentence of the lower court is hereby modified and the defendants are each hereby sentenced to be imprisoned for a period of nine years of presidio mayor, with the accessory penalties of the law, to return the property stolen to the persons robbed or to indemnify them, jointly and severally, in the sum of P162, and to pay the costs.

Mapa, Carson, Moreland, and Trent, JJ., concur.

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