

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. ANGEL BAGUIO ET AL., DEFENDANTS AND APPELLANTS.

G.R. No. 8687. October 16, 1913

Ponente: CARSON, J.

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CARSON, J.:

The evidence of record fully sustains the findings of the trial court, and establishes the guilt of the appellants of the crime with which they were charged beyond a reasonable doubt.

The trial judge, by authority of the provisions of Act No. 2030 enacted February 3, 1911, amending the provisions of articles 503, 508, 512, and 520 of the Penal Code, imposed the penalty therein prescribed upon offenders convicted of theft where "the thing stolen was any kind of large cattle." Counsel for appellants, basing his contention upon the fact that the Spanish version of the statute amends the provisions of article 520 of the Code by adding thereto the following paragraph: "4. Si la cosa robada fuere ganado mayor de cualquier clase," insists that the amendments of the statute refer only to cases of robo (robbery) of large cattle.

That this construction of the statute is not justified will readily be seen by examining the English version wherein the word used is "stolen," which although translated in the Spanish version by the use of the word "robada," is equivalent to the word "hurtada," and by the further consideration that the statute expressly amends not only the various provisions of the Act applicable to the robbery of large cattle (articles 508, 512, and 520) but also the article of the Code which defines and penalizes the crime of theft (hurto), and it is very clear from the language used and from its connection with the context that it was clearly intended to penalize in a special way the theft as well as the robbery of large cattle.

We find no error in the proceedings prejudicial to the rights of the appellants. The judgment of the lower court convicting and sentencing them should therefore be affirmed, with the costs of this instance against them. So ordered.

Arellano, C. J., Torres, Johnson, Moreland, and Trent, JJ., concur.

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