

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. EULOGIO EDPALINA, DEFENDANT AND APPELLANT.

G.R. No. 8983. March 07, 1914

Ponente: CARSON, J.

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CARSON, J.:

The facts disclosed by the record in this case are substantially similar to those in the case of United States vs. Labadan (26 Phil. Rep., 239), recently decided by this court, and under our ruling in that case, it is clear that the defendant and appellant is not guilty of the offense of which he was convicted in the court below.

It appears from the record that plea of "guilty" was entered in the court below, but we are satisfied that this plea, read together with the statements of the accused at the trial, was not in fact a plea of guilty of the offense charged, and was intended to be no more than an admission that the accused had taken the elector's oath on the date set out in the information, and that he had not paid his land taxes for 1911 at that time. But as was shown in the former case, such an admission did not amount to a plea of guilt of the offense charged, and proof of the facts thus admitted would not sustain a conviction. In view of the statements made by the accused the trial judge should have ordered the substitution of a plea of "not guilty" for that of "guilty" as entered in the record.

The judgment of conviction entered in the court below should be reversed and the accused acquitted of the offense with which he is charged in the information, with the costs of both instances de officio. So ordered.

Arellano, C. J., Moreland, Trent, and Araullo, JJ., concur.

Judgment reversed; defendant acquitted.

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