

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. GUY ANGCO, DEFENDANT AND APPELLANT.

G.R. No. 9056. February 12, 1914

Ponente: TRENT, J.

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TRENT, J.:

An appeal by the defendant, Guy Angco, from a judgment of the Court of First Instance of the Province of Isabela, condemning him to be confined in Bilibid Prison for the period of one year and one day, to be deported from the Philippine Islands, and to pay the costs of the cause.

The defendant pleaded not guilty to the charge of violating the Opium Law, and on March 7, 1913, two witnesses were examined on behalf of the prosecution, who testified to the facts as alleged in the information. A certified copy of a previous judgment of the same court convicting the defendant of a violation of the Opium Law was admitted in evidence. The case was then continued until the following morning, at which time the defendant asked to be permitted to change his plea of "not guilty" and to plead "guilty" and to be deported to China. He told the court that that was the third time he had been convicted of the same offense.

Appellant's counsel states: "The accused has been accorded a fair trial, but we believe that the court has erred in sentencing him to serve a term of imprisonment. Prisoners are an expense to the Government of the Philippine Islands and to imprison a man for a term and at the end thereof, to deport him, is a good deal like punishing the Government."

The Attorney-General says: "It appears that there is no good reason for putting this Government to the expense of maintaining and doctoring this Chinaman for an entire year before deporting him. It is, therefore, respectfully recommended that the sentence be modified, and that the defendant be ordered deported forthwith."

We concur with the Attorney-General and modify the judgment accordingly. A judgment directing the deportation of the appellant will be entered. Without costs in this instance.

Arellano, C. J., and Araullo, J., concur.

CONCURRING

MORELAND, J.,

I concur because the accused himself asked to be deported.

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