

UNITED STATES, PLAINTIFF AND APPELLEE, VS. MELITON IRO, DEFENDANT AND APPELLANT.

G. R. No. 9675. September 15, 1914

Ponente: JOHNSON, J.

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UNITED STATES, PLAINTIFF AND APPELLEE, VS. MELITON IRO, DEFENDANT AND APPELLANT.

body { font-family: Verdana, Geneva, Arial, helvetica, sans-serif; font-size:80%; background-color:#FFFFFF; margin:0 2% 0 2%; text-align: justify; } h1 { font-family:times; } h2 { background-color:#cccccc; padding:10px 0 10px 0; font-weight: bold; text-align: center; } h3 { font-weight: bold; text-transform: uppercase; text-align: center; } div#footer { font-size:9px; } This defendant was charged with the crime of the larceny of a carabao. Upon the complaint presented he was duly arrested, arraigned, tried, found guilty and sentenced to be imprisoned for a period of 4 years, 2 months and 1 day of prision correccional, with the accessory penalties provided for in article 58 of the Penal Code, and to pay the costs. From that sentence the defendant appealed to this court.

After a careful examination of the evidence brought here, the following facts seem to be proved, beyond a reasonable doubt:-

1st:- That in the month of April, 1911, one Nestor Chavez was the owner of a oarabao, then about nine months old, which in said month was taken and carried away by some person.

2nd:- That in the month of July, 1913, said carabao was found in the possession of the defendant.

3rd:- That said carabao was fully identified, by reason of special white marks that were found on its head.

4th:- That after the carabao was found in the possession of the defendant and Nestor Chavez either had or was about to present a complaint charging him with the larceny of said carabao, he, together with two of his friends, went to the said Chavez and offered to return the carabao secretly, if the owner would promise either not to present the complaint, or to withdraw the one which. he had presented.

5th:- That the carabao was worth about P120.00 or 600 pesetas. -

The defendant was sentenced by the Honorable Riohard Campbell, Judge. Judge Campbell made the following observations with reference to the character of the testimony adduced during the trial of the cause:- He said -

"The Court, after seeing the witnesses and hearing them testify, and after making careful observations as to their conduct on the witness stand, is fully oonvinced that both tha defendant and his witnesses gave perjured testimony with respect to the manner in whioh the carabao came into his hands. The whole transaction from beginning to end, and the circumstances surrounding it, show bad faith.....

"As has been said above, the Court has every reason to believe that the testimony of the defendant and his witnesses, with respect to the "procedencia" of the animal, is false in every particular, and that the animal is in fact the property of the complaining witness, Nestor Chavez."

After a careful examination of the record brought to this court, we are persuaded, beyond a reasonable doubt that the record fully sustains the conclusions of the lower court. The sentence, therefore, of the lower court is hereby affirmed, with costs.

It is so ordered.

After the expiration of 10 days from the date hereof, let the judgment be entered in accordance herewith, and 10 days thereafter let the record be returned to the court from whence it came, for execution.

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