

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS.
PAULO GONZALEZ Y BEJAR, DEFENDANT AND APPELLANT.***G.R. Nos. 46231-46235. April 04, 1939*

Ponente: IMPERIAL, J.

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In five criminal cases before the municipal count of Manila the accused was charged with theft. The information in the first case alleged that on June 13, 1938, the accused, with intent to gain and without the consent of the owners, stole some goods valued at P158.50 belonging to Apolonio P. Navarro, Jose A. Javier and Anacleto P. Navarro; the accused was an habitual delinquent, as he had been previously convicted of theft three times, by virtue of final judgments rendered by competent courts, the last conviction having taken place on January 15, 1938. The information in the second case alleged that on June 5, 1938, the accused, with intent to gain and without the consent of the owner, stole a typewriter valued at P120 belonging to Tomas Karunungan; the accused was an habitual delinquent, as he had been previously convicted of theft seven times, by virtue of final judgments rendered by competent courts, his last conviction having taken place on January 15, 1938, and he having been released on April 28, 1938. The information in the third case alleged that on June 6, 1938, the accused, with intent to gain and without the consent of the owner, stole a typewriter valued at P117.50 belonging to the Paracale Tumbaga Mining Company; the accused was an habitual delinquent, as he had been previously convicted of theft three times, his last conviction having taken place on January 15, 1938, and he having been released on April 28, 1938. The information in the fourth case alleged that on June 9, 1938, the accused, with intent to gain and without the consent of the owner, stole a typewriter valued at P150 belonging to the Philippines Free Press; the accused was an habitual delinquent, having been previously convicted of theft seven times, his last conviction having taken place on January 15, 1938, and he having been released on April 28, 1938. And the information in the fifth case alleged that on May 31, 1938, the accused, with intent to gain and without the consent of the owners stole a "Remington" typewriter valued at P145, belonging to Andres Nicolas; the accused was an habitual delinquent, as he had been previously convicted of theft seven times, his last conviction having taken place on January 15, 1938, and he having been released on April 28, 1938. The accused appealed from the decisions of the municipal court. Upon arraignment in the Court of First Instance of Manila, the accused voluntarily pleaded guilty and was sentenced in each of the five cases to a principal penalty of six months of *arresto mayor*, and for habitual delinquency, to an additional penalty of three years and six months of *prision correccional*, plus the costs. The accused appealed also from these judgments.

We find no merit in the appeals. The attorney *de oficio* for the accused, after studying the records of the cases, has not found any error in the appealed judgments nor in the penalties imposed by the court, and recommends their affirmance. His seven previous convictions notwithstanding, the court merely considered the accused an habitual delinquent for the third time, reducing his seven previous convictions to two. This consolidation, which was prompted by the proximity of the convictions, redounds to the benefit of the accused and cannot be the object of an assignment of error. With regard to the penalties imposed, they are in accordance with the provisions of articles 309, No. 4, and 62, No. 5 (a), of the Revised Penal Code, and, therefore, should not be modified.

The appealed judgments are affirmed, with the costs of this instance against the appellant. So ordered.

Avancena, C. J., Villa-Real, Diaz, Laurel, Concepcion, and Moran, JJ., concur.

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