

5 Phil. 136

[ G.R. No. 1273. October 10, 1905 ]

**THE UNITED STATES, COMPLAINANT AND APPELLEE, VS. BENITO VARGAS AND SEGUNDO OATAJAN, DEFENDANTS AND APPELLANTS**

**D E C I S I O N**

**CARSON, J.:**

Benito Vargas and Segundo Oatajan, the appellants in this case, were convicted of the crime of robbery in a gang in the Court of First Instance of Bulacan, and sentenced to seven years ten months and twenty-one days imprisonment (*presidio mayor*) and to the return of 325 pesos, which it was shown they had taken unlawfully from the complaining witness, and to the payment of the costs of the trial. The robbery and the participation in the same by these appellants was conclusively proven by the evidence of four eyewitnesses, who positively identified each of them. The defense attempted to establish an alibi, but we are of opinion that the trial court properly refused to accept it, "first, on account of the character of the witnesses presented, and because of their entire inability to give any intelligible account of the incidents as to which they testified, and second, on account of the manifest contradictions in their statements."

The judgment and sentence of the trial court should be, and is hereby, affirmed, with the costs of this appeal against the appellants. So ordered.

*Arellano, C. J., Torres, Mapa, and Johnson, JJ., concur.*

*Willard, J., did not sit in this case.*

