

4 Phil. 342

[G.R. No. 1987. March 27, 1905]

THE UNITED STATES, COMPLAINANT AND APPELLEE, VS. APOLONIO MANAUL ET AL., DEFENDANTS AND APPELLANTS.

D E C I S I O N

MAPA, J.:

The defendants were charged with the crime of *lesiones graves* for having cut off both ears of Placida Gonzalez on the evening of June 30, 1903. The judge below found them guilty of this crime and sentenced them to six years' *prision correccional*, and the costs.

The judge considered the case as falling within article 416 of the Penal Code, although he does not say so in express terms. The penalty which he imposed on the defendants is that provided for in paragraph 2 of said article. This penalty is the one which provides for the acts for which the defendant is prosecuted, because the loss of the two ears has caused the deafness of the injured party. The penalty was imposed in its maximum degree because the court below took into consideration the existence of the aggravating circumstances in said crime of having been committed at night, through a promise, recompense, or reward, with the use of superior force, and at the house of the injured party.

We agree with the findings of law and of fact in the judgment below and also with the consideration of the aggravating circumstances, except the last one, viz, that the crime was committed at the house of the injured party, because it appears clearly proven that the crime was committed outside of her house, since the defendants made her come out of her house in order to consummate their crime.

With this modification we affirm the judgment below, crediting the

defendants with one-half of the time which they have been in prison as detention prisoners, with the costs in this instance. So ordered.

Arellano, C. J., Torres, Johnson, and Carson, JJ., concur.

Date created: April 24, 2014