

2 Phil. 5

[G.R. No. 1070. February 28, 1903]

**THE UNITED STATES, COMPLAINANT AND APPELLEE, VS. PABLO JUDIT,
DEFENDANT AND APPELLANT.**

D E C I S I O N

LADD, J.:

The evidence shows that the defendant and his brother were fighting and making a disturbance in their house, that the complaining witness, Apinan, an elderly man, reproved them, whereupon the defendant, incensed by the rebuke, bit off a part of one of Apinan's ears.

The loss of a portion of an ear constitutes a deformity within the meaning of article 416, No. 3, of the Code. (Judgment in cassation of October 28, 1887.)

The conviction was right; the penalty, in the absence of either extenuating or aggravating circumstances, was properly applied in the medium grade, the indemnification was fixed at an appropriate sum, and the judgment is therefore affirmed in all respects. Let the cause be returned to the court below for the execution of the judgment.

Arellano, C. J., Cooper, Willard, and Mapa, JJ., concur.

Torres, J., did not sit in this case.

