

4 Phil. 438

[G.R. No. 1755. April 19, 1905]

THE UNITED STATES, COMPLAINANT AND APPELLEE, VS. SANTIAGO DE LA CRUZ ET AL., DEFENDANTS AND APPELLANTS.

D E C I S I O N

ARELLANO, C.J.:

This case was brought against Santiago de la Cruz and Jose Aquino de la Rosa for the robbery of 30 pesos which Juliana de la Cruz carried in her waist. The judge considered the testimony of the injured party as sufficient proof of the guilt of the defendants. He can so consider it in accordance with the cases entitled “United States vs. Ignacio Dacotan^[1]” and “United States vs. Geronimo Torrente,^[2]” so that the judgment appealed from as regards its condemnatory part is in accordance with the law, but not so as regards the kind or quality of the penalty which should be modified, considering the fact that the defendants had been sentenced for abduction in a former case. This is no reason for mitigating the penalty.

Therefore, the defendants shall be imprisoned for the term provided for in paragraph 5 of article 503, and article 502 of the Penal Code, and for this reason we sentence Santiago de la Cruz and Jose Aquino de la Rosa to three years eight months and one day of *presidio correccional*, with the accessory penalties thereof, to reimburse the amount stolen to the injured party, and to pay the costs in both instances *pro rata*. So ordered.

Torres, Mapa, Johnson, and Carson, JJ., concur.

^[1] 1 Phil. Rep., 669.

^[2] 2 Phil. Rep., 1.

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