

4 Phil. 363

[G.R. No. 1967. March 29, 1905]

**THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. FRANCISCO ALBAN,
DEFENDANT AND APPELLANT.**

D E C I S I O N

MAPA, J.:

It has been sufficiently proven in the trial of the case that the defendant, being a justice of the peace for the town of Tubao, Province of Union, demanded and received from Domingo Silva the sum of 15 pesos, Mexican, on condition that he would dismiss and decide favorably to the said Silva the civil case which the latter had pending before said justice of the peace against one Gregorio Ventura over a piece of land. The suit, however, had not been decided up to the time the complaint was filed.

The court below acted in accordance with the law when it found the defendant guilty of the crime of bribery provided for and punished in article 382 of the Penal Code and sentenced him to one year and one day of imprisonment. Besides this penalty there should be imposed upon the defendant a fine of twice the amount accepted by him, according to the provisions of the aforesaid article.

We therefore affirm the judgment below, it being understood that the imprisonment to which the defendant has been sentenced shall be *presidio correccional*, and furthermore the defendant is sentenced to pay a fine of P30, with the costs in this instance. So ordered.

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

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