

4 Phil. 188

[ G.R. No. 1961. February 02, 1905 ]

**THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. ESTEBAN BAUTISTA ET AL., DEFENDANTS AND APPELLANTS.**

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

**CARSON, J.:**

The accused, Esteban Bautista and Nemesio Andino, are charged with robbery, in that, in the words of the information, "the said Esteban Bautista and Nemesio Andino, at or about the hour of 8, on the night of the 7th of February, 1904, in the city of Vigan, in the Province of Ilocos Sur, did willfully, criminally, and unlawfully enter the building known as the Constabulary commissary, in the said city and province, and with the object of gain, and taking advantage of the darkness of the night, and of the disorder produced by the mutiny of various members of the said Constabulary in Vigan, took the sum of \$864.16, in silver and bills, the property of the Insular Government, which was in an iron safe in charge of the commissary lieutenant, using force upon said safe, breaking it and aiding others in breaking it with hatchets and other instruments, against the will of the owner and contrary to the law."

Each of the accused was found guilty of the crime as charged and sentenced to twelve years and one day of *cadena temporal* the accessory penalties prescribed by law, the restitution of the property taken, the indemnification of the owners thereof, and to the payment of the costs.

We are of the opinion that the finding of facts and the judgment and sentence of the court below are supported by the law and the evidence.

The Christian name of the accused Bautista is spelled Esteban in the sentence of the trial court, whereas it is spelled Esteban in the information upon which he was arraigned, without objection on his part.

We think that his name should have been spelled in the same way in the sentence as it is spelled in the information upon which he was arraigned, and that the sentence should be modified to that extent.

With this modification, the sentence appealed from should be affirmed. So ordered.

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

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