

1 Phil. 738

[ G.R. No. 1012. February 19, 1903 ]

**THE UNITED STATES, COMPLAINANT AND APPELLEE, VS. ISABELO DINSING ET AL., DEFENDANTS AND APPELLANTS.**

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

**WILLARD, J.:**

We find from evidence that the defendants Isabelo Dinsing and Vicente Chaves killed Juan Oyoa in the manner described in the complaint. In our opinion they are both principals in the crime. Where several men take part directly in the execution of the act they are all principals under article 13 of the Penal Code, although they may have acted under the direction of one of their number as leader.

he amended complaint complying with article 6, 2 of General Orders, No. 58, designates the offense as homicide and complying with 3 of the same article states facts which show it to be murder.

Under such a complaint we have held that the defendant can not be convicted of the latter offense.

That the act was committed at night is to be taken into consideration as an aggravating circumstance and the penalty must be imposed in its maximum degree. The judgment of the court faelow is modified and we find the defendants Isabelo Dinsing and Vicente Chaves guilty as principals of the crime of homicidio with an aggravating circumstance and sentence them to punishment of twenty years of *reclusion temporal* with accessories and indemnity of 1,000 pesos to the heirs of the deceased and to pay the costs of this appeal and two-thirds of the costs of the first instance. So ordered.

*Arellano C. J., Torres, Cooper, Mapa, and Ladd, JJ., concur.*

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