

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. DIONISIO DIZON Y GUEVARRA ET AL., DEFENDANTS.

G.R. No. L-2391-92. February 22, 1950

Ponente: TUASON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/28ba9406b23d/>

TUASON, J.:

In these two cases the accused pleaded guilty after withdrawing the previous plea of not guilty. Under the circumstances the only question to be determined, as both parties agree, concerns the correctness of the punishment imposed by the trial court; all the material facts alleged in the information are deemed admitted. The accused in each case was sentenced to an indeterminate penalty of from 4 months and 1 day of arresto mayor to 4 years, 2 months and 1 day of prision correccional, to indemnify the offended party in case No. 5575 in the amount of P35.00 and the offended party in case No. 5576 in the amount of P4, with the corresponding subsidiary imprisonment in case of insolvency, and to pay the costs.

The informations are as follows:

"Criminal Case No.

"That on or about the 30th day of January, 1948, in the City of Manila, Philippines, the said accused, conspiring and confederating together and mutually helping one another, did then and there willfully, unlawfully and feloniously, with intent of gain and by means of force and intimidation, to wits by pointing a pistol at one Adriano Perlado and threatening to shoot him should he offer any resistance, or shout for help, took, stole and carried away against the will of the said Adriano Perlado, a 'Gruen' wrist watch, valued at P400, and 1 Parker '51' fountain pen, valued at P35.00, belonging to him, to his damage and prejudice in the total amount of P435.00, Philippine Currency.

"That the accused Hernando de Castro y Burgos is a recidivist, he having been previously convicted by final judgment of competent court for the crime of theft."

"Criminal Case No. 5576

"That on or about the 30th day of January, 1948, in the City of Manila, Philippines, the said accused, conspiring and confederating together and mutually helping one another did then and there wilfully, unlawfully and feloniously, with intent of gain and by means of force and intimidation, to wit: by pointing a pistol at one Bienvenido Rosete and threatening to shoot him should he offer any resistance or, shout for help, took, stole and carried away against the will of the said Bienvenido Rosete, 1 'Harman' wrist watch, valued at P80.00, and 1 'Universal' fountain pen, valued at P4, belonging to him, to his damage and prejudice in the total amount of P84, Philippine currency.

"That the accused Hernando de Castro y Burgos is a recidivist, he having been previously convicted by final judgment of competent court for the crime of theft."

Counsel for the defendant believes that the appropriate penalty in each case is 4 months and 1 day of arresto mayor as minimum and 6 years, 1 month and 11 days of prision mayor as maximum.

The penalty prescribed by Art. 294, No. 5» of the Revised Penal Code as amended by Section 6 of Republic Act No. 18 is prision correccional in its maximum period to prision mayor in its medium; period. Since the aggravating circumstance of recidivism charged in the information is offset by appellant's plea of guilty, the prescribed penalty, following the provision of rules 1 and 4 of Art. 64 of the Revised Penal Code, should be imposed in its medium period, that is, from 6 years and 1 day to 8 years.

In accordance with Section 1 of the Indeterminate Sentence Law (Act No. 103), as amended by Act 4225, the minimum penalty should not be less than 6 months and 1 day of arresto mayor nor more than 4 years and 2 months of prision correccional and the maximum, not less than 6 years and 1 day nor more than 8 years of prision mayor. The minimum penalty imposed in each case is correct but the maximum of 4 years, 2 months and 1 day is below the range.

Wherefore, the appellant is sentenced in each case to 4 months and 1 day of arresto mayor as minimum and 6 years and 1 day of prision mayor as maximum. There is an obvious typographical or inadvertent error in the judgment with regard to the indemnity in case No. 5576. Instead of P4, the figure should be P84, which is the true value of the articles robbed, according to the information.

With these modifications, the judgment appealed from is affirmed with costs of this instance against the appellant.

Moran, C. J., Ozaeta, Paras, Pablo, Bengzon, Padilla Montemayor, Reyes, and Torres, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.