

VIRGILIO BRUA, PETITIONER, VS. ENRIQUE INTING, IN HIS CAPACITY AS PRESIDING JUDGE, SALA II, MUNICIPAL COURT, DAVAO CITY, RESPONDENT.

G.R. No. L-19905. February 28, 1966

Ponente: DIZON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/447c88533f39/>

DIZON, J.:

Petition for habeas corpus, certiorari, mandamus, immediate approval of the bail bond for the provisional release of petitioner, and to nullify the decision rendered by the Municipal Court of Davao City in Criminal Case No. 456-B.

Petitioner Virgilio Brua and two others were charged with serious physical injuries in an information (Criminal Case No. 456-B) filed on March 1, 1962 by an Assistant City Attorney with the Municipal Court of Davao City. After his arrest he was duly arraigned and pleaded guilty to the crime charged. After the trial of the case as it concerned the other defendants, the trial court, on April 17, 1962, rendered judgment as follows:

"From the evidence presented, the Court is of the opinion that the prosecution has not proved beyond reasonable doubt the guilt of the accused Rodolfo A. soy and Arturo Juaner. Accordingly, the two accused, Rodolfo Asoy and Arturo Juaner, are hereby acquitted of the crime charged.

"With respect to the accused Virgilio Brua, in view of his plea of guilt, he is found guilty beyond reasonable doubt of the crime of Serious Physical Injuries under Par. 3 of Art. 263 of the Revised Penal Code, as charged in the information. The said accused, having failed to prove any mitigating circumstance except his plea of guilt, is hereby sentenced to undergo imprisonment from an indeterminate term ranging from four (4) months and one day of arresto mayor to one (1) year, eight (8) months and Twenty-one (21) days of prision correccional, and to pay the costs.

"With respect to the civil liability arising from the offense charged, the accused Virgilio Brua is ordered to indemnify the offended party Arsienio Lagadlad, actual damages in the amount of one hundred (P100.00) pesos, with subsidiary imprisonment in accordance with law in case of insolvency."

After the promulgation of the decision petitioner was returned to jail. Ten days thereafter he attempted to appeal and posted a bail bond in the sum of P2,000.00 for his provisional liberty, but the respondent Court refused to give due course to the appeal on the ground that the decision had already become final and executory as petitioner had begun to serve his sentence on April 18, 1962. Hence, the instant petition for the approval of his appeal bond, his provisional release and for the annulment of the aforesaid decision.

On July 2, 1962 We approved petitioner's bail bond of P2,000.00 and ordered the Provincial Warden of Davao

City to immediately release him.

In its answer respondent Court denies having committed a grave abuse of discretion in convicting the petitioner or in refusing to give due course to his appeal, and sets up the defense that the penalty imposed is the one provided for by law; that it did not conduct the proceedings under Article 80 of the Revised Penal Code, as amended by Act No. 3203, because petitioner's minority (being under 16) was not alleged in the information nor raised by petitioner. Further, the respondent court alleged that there was nothing in petitioner's physical appearance that suggested that he was below 16 or 18 years of age. The respondent court further averred that as petitioner returned to prison not as a detention prisoner but as a convict to serve his sentence following the promulgation of the decision, the judgment had become final and unappealable under Section 7, Rule 116 (now Rule 120) of the New Rules of Court.

While an important procedural question is involved in this case, namely, whether the provisions of Article 80 of the Revised Penal Code, as amended, should have been followed by the respondent court, the same has been virtually rendered academic by reason of the age of petitioner at the present time (19 years and 5 months), which circumstance makes inapplicable to him the provisions of said legal provision.

On the otherhand, the record shows that after the promulgation of the decision made by the respondent court, petitioner returned to confinement without making any announcement written or oral as to his intention to appeal. Consequently, the respondent court was right in assuming that he had submitted himself to the execution of the judgment. Such being the case, he must be deemed to have waived his right to appeal.

Wherefore, the petition under consideration is hereby dismissed, without costs.

Bengzon, C. J., Bautista Angelo, Concepcion, Reyes, J. B. L., Barrera, Regala, Makalintal, Bengzon, J. P., Zaldivar and Sanchez, JJ., concur.

Petition dismissed.

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.