

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. SALVADOR DEL ROSARIO, FAUSTO VARGAS, AND SALVADOR VELASCO, DEFENDANTS-APPELANTS.

G.R. No. L-203. September 30, 1946

Ponente: PARAS, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/46d022a51fcb/>

PARAS, J.:

The appealed judgment of the Court of First Instance of Albay found the defendants Salvador del Rosario, Fausto Vargas, Paulino Albos alias Paulino Curiano, and Salvador Velasco guilty of robbery and sentenced each to undergo imprisonment for an indeterminate term of from 2 years and 20 days to 3 years, 8 months and 1 day, prison correccional; to pay a solidary indemnity in the sum of five hundred pesos; to suffer accessory penalties; and to pay the proportionate share of the costs.

The appeal of the defendant Paulino Curiano has already been dismissed, it appearing, that he escaped from the provincial jail of Albay wherein he was held under detention. Upon the other hand, there can be no doubt as to the guilt of the defendants Salvador del Rosario and Fausto Vargas. Even their counsel de oficio is convinced that they were rightly convicted.

It appears that around one o'clock in the morning of June 28, 1945, Salvador del Rosario, Fausto Vargas and Paulino Curiano succeeded in entering the house of Agustin Almilla and his wife Teodora situated in Legaspi, Albay, apparently with the passive consent of the latter. Posing as CIC agents, the nocturnal intruders (with Paulino Curiano pointing a revolver at Agustin) ordered the latter to surrender all army goods possessed by him, — a command that Agustin was able to disobey by putting up the excuse that he was not keeping any such articles. Whereupon, Salvador del Rosario and Fausto Vargas, at the instigation of Paulino Curiano, searched the premises during which they discovered a wallet containing P265.00 under a pillow. This money Paulino Curiano lost no time in pocketing. Undoubtedly considering the sum to be too small for their venture, the said defendant, again at the point of his gun, demanded from Agustin an additional amount of P235.00. The latter was not then in a position to further accommodate the malefactors, but he promised to do so if they would return early in the morning. With the characteristic promptness of a bill collector, Paulino Curiano was on hand at the appointed hour, and to him Agustin handed over P235.00 which he borrowed from three friends. Up to this point, Agustin was of course under the influence of fear resulting from the threatening acts of his midnight visitors who left the warning that, if any report was made to the authorities, Agustin would be killed.

Counsel de oficio, however, questions the propriety of the appealed judgment in so far as the defendant Salvador Velasco is concerned. No claim is made that this defendant entered the house of Agustin and that the latter met or saw him face to face; and the Solicitor General merely alleges that "Agustin also espied the other appellant, Salvador Velasco, squatting on the ground, and another unknown person, around the premises of the house." In our opinion, the proof is insufficient for the conviction of Salvador Velasco. It is very doubtful that, with the light emitted by a coconut oil lamp and even with the alleged moonlight, Agustin and his wife could readily and

infallibly recognize Salvador's identity at a distance. The more so, in view of the probability that said spouses, surprised and seized by fear, must have had their attention fixed on the persons actually confronting them and, thus apprehensive of every move of the intruders, would not care to look around in an effort to ascertain those outside the house. It is furthermore significant that Salvador Velasco did not accompany Paulino Curiano when the latter returned for the balance of P235.00.

Wherefore, the judgment against the appellants Salvador del Rosario and Fausto Vargas is hereby affirmed with costs, with the sole modification that the minimum of their indeterminate prison term is fixed at six months, instead of 2 years and 20 days. The judgment against the appellant Salvador Velasco is reversed, and he is hereby acquitted with $\frac{1}{4}$ of the costs de oficio. So ordered.

Pablo, Perfecto, Hilado, and Padilla, JJ., concurs.

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.