

PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. CO HAP AND TAN LAM, DEFENDANTS AND APPELLANTS.*G.R. No. L-4271. March 31, 1952*

Ponente: REYES, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/49f460fc1902/>**REYES, J.:**

Co Hap and Tan Lam were charged in the Court of First Instance of Manila with a violation of Executive Order No. 331, Series of 1950, in connection with Republic Act No. 509, for selling evaporated milk to the public at a price higher than the maximum fixed in said executive order, and on a plea of guilty freely and spontaneously made they were sentenced each to pay a fine of P5,000, with subsidiary imprisonment in case of insolvency, and the costs, and to be barred from engaging in the wholesale and retail business in the Philippines for a period of five years, with a recommendation that they be immediately deported as provided for in the Act. But before this sentence was promulgated, both accused, having been made to understand that the Court was not disposed to impose a light penalty, moved for permission to withdraw their plea of guilty in order to substitute it with a plea of not guilty. The motion having been denied and the sentence promulgated, the accused appealed to this Court, praying that they be acquitted on the ground that the trial court had abused its discretion in not allowing them to withdraw their plea of guilty.

We find the appeal unmeritorious. The Rules of Court (Sec. 6, Rule 114) leave it to the discretion of the court to permit or not to permit the withdrawal of a plea of guilty. It is alleged that in this case the plea of guilty was made under a misapprehension consisting in the belief that under the law the accused Tan Lam is criminally liable when in reality he is not, because, although the license of the store where the commodity in question was sold is in his name, he is a mere dummy of his co-accused, the real owner of that store. This allegation is not convincing, considering that the accused were assisted by able counsel when they came to court and entered a plea of guilty. What appears to have actually happened is that the accused and their lawyer hoped or expected that a plea of guilty would be rewarded with a light sentence, but on being informed, after the plea was entered, that a light penalty was out of the question in view of the provisions of the law, the accused wanted to back out from their plea and filed a motion to withdraw it. This is borne out by the following excerpt from the transcript of the stenographic notes taken at the hearing of the motion to withdraw:

"COURT:

"The Court is not satisfied with the grounds preferred by the defense, I cannot see my way clear to allow them to withdraw. These two accused imposed upon the Court to enter a plea of 'guilty' at the time when their case was not even set for arraignment. Now, when it was explained to the defendants by the Court that the minimum penalty imposed by the law was not less than Two Thousand Pesos (P2,000.00), it seems that their reaction was that they were scared because they have been made to understand that under the law, they would only be sentenced to pay a fine of as low as P25.00, as imposed by another branch of this Court. When the Court informed them that that could not be done and the same information was given to the lawyer representing the defendants, then it was only then that they signified their intention to back out. This Court will

not permit such tactics. It is undignified for the Court; it is an offense against the dignity of the Court. The accused came up here with their attorney and entered a plea of 'Guilty' and under the assistance of such counsel, they are deemed to understand the consequences of their acts. Once they have entered their plea of 'guilty', the Court will not permit them to withdraw and back out simply because they found the penalty severe. The Court is sorry to say that it cannot permit such folly."

People vs. Manriquez, 20 L. R. A. 1141-1143, is a case in point. In that case the Supreme Court of California said:

"Another ground upon which the appellant based his motion for vacation of the judgment was that his plea of guilty was entered without due deliberation, and with the hope and expectation that the punishment to which he might be exposed would be mitigated. Even if such were the case, the fact that a defendant, knowing his rights and the consequences of his act, hoped or believed, or was led by his counsel, or others, to hope or believe, that he would receive a milder punishment by pleading guilty than that which would fall to his lot after trial and conviction by a jury, presents no ground for the exercise of the discretion necessary to permit a plea of guilty to be withdrawn."

Applicable to the present case is also the following pronouncement of this Supreme Court in the case of People vs. Pangilinan, 74 Phil., 451, 454:

"* * *. Every accused must realize that he cannot attach a string to his plea of guilt. Truth is imminent and immutable; it is absolute and unconditional; it cannot be affected or converted into an untruth by any extraneous influence. Therefore, appellant's position—that he is guilty if the penalty for the crime is that recommended by the fiscal but not guilty if it is that actually imposed by the court—is untenable. * * *."

Section of the Republic Act violated by the accused declares it "to be the national policy during the effectivity of this Act to prevent * * * profiteering" in controlled commodities, the idea being to protect the people from want in times of scarcity in food and other necessities. This great objective can only be achieved if the stiff penalties prescribed in the Act are not allowed to be circumvented through the use of any legal subterfuge.

The sentence appealed from is therefore affirmed, with costs.

Paras, C. J., Pablo, Bengzon, Padilla, Tuason, Montemayor, Jugo, and Bautista Angelo, 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.