

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLANT, VS.
BRAULIO PAMITTAN, ET AL., DEFENDANTS, EDUARDO BANGAYAN,
RAMON CUNTAPAY AND EMILIO BALISI, DEFENDANTS-APPELLEES.**

G.R. No. L-25033. October 31, 1969

Ponente: DIZON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/5b91fe1498cd/>

DIZON, J.:

Appeal by the State from (a) an order of the Court of First Instance of Cagayan dated September 13, 1965 dismissing provisionally, *motu proprio*, Criminal Case No. 2459 (for murder) against Eduardo Bangayan, Ramon Cuntapay and Emilio Balisi because of the failure of the Office of the Provincial Fiscal to inform the Court of the result of the re-investigation of the case it was supposed to make, and (b) from an order of the same Court dated September 16 of the same year denying the State's motion for reconsideration.

In the aforesaid criminal case Braulio Pamittan, Eduardo Bangayan, Ramon Cuntapay and Emilio Balisi were charged with murder. When the case was called for trial on July 19, 1965 Pamittan withdrew his former plea of not guilty and pleaded guilty to the lesser offense of homicide, with the consent of the prosecution and, thereafter, the Court sentenced him accordingly. On the same date (July 19, 1965), on motion of the Assistant Provincial Fiscal handling the case, the Court postponed the trial as far as the remaining defendants were concerned "so as to give him (the Assistant Provincial Fiscal) sufficient time to re-investigate the case to decide whether not he should proceed with the hearing of the case." This was done without objection on the part of the defense, and the postponement was expressly made "until further assignment."

On September 13, 1965, however, without setting the case for trial and without exerting any effort to ascertain whether or not the Fiscal had re-investigated the case, the trial court, *motu proprio*, issued the appealed order provisionally dismissing the case with respect to the remaining defendants Bangayan, Cuntapay and Balisi.

Upon the facts thus disclosed by the record, We are of the opinion, and so hold, that the order of dismissal appealed from is void. At the time it was issued the case-strictly speaking - was not ready for trial and adjudication. The trial having been postponed expressly until "further assignment," it was the duty of the trial court, before it could validly issue the order of dismissal complained of, to fix a date for the trial of the case, with previous notice served upon the parties. A case for "murder" such as the one dismissed by the trial judge is obviously one not to be taken lightly - as, apparently it was.

WHEREFORE, the appealed orders are set aside and the case is remanded below for further proceedings.

Concepcion, C.J., Reyes, J.B.L., Makalintal, Sanchez, Ruiz Castro, Fernando, Teehankee and Barredo, JJ., concur.

Zaldivar, J., did not take part.

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.