

**TEOFILO A. HUMILDE, ASSISTANT CITY FISCAL OF DAGUPAN CITY;
RODOLFO R. AQUINO, ASSISTANT PROVINCIAL FISCAL OF
PANGA-SINAN, AND SANTOS B. ARREOLA, PRACTISING LAWYER,
COMPLAINANTS,...**

Adm. Matter No. 604-CFI. February 20, 1981

Ponente: AQUINO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/6b5ecc806929/>

AQUINO, J.:

Two fiscals and a practising lawyer denounced respondent Judge for his mistakes in the imposition of penalties.

Judge Magno B. Pablo sentenced the accused in Criminal Case No. 161-A, *People vs. Bustamante*, to suffer subsidiary imprisonment in case of insolvency although the indeterminate penalty imposed on the accused was four years, two months and one day of prision correccional as minimum to eight years of prision mayor as maximum.

The imposition of subsidiary imprisonment is contrary to the provision of article 39(3) of the Revised Penal Code that "when the principal penalty imposed is higher than prision correccional no subsidiary imprisonment shall be imposed upon the culprit".

Moreover, Republic Act No. 5465, which amended article 39 and which took effect on April 21, 1969, requires subsidiary imprisonment only for nonpayment of the fine and not for the civil liability. Respondent Judge did not specify for what pecuniary liability the accused was being required to serve subsidiary imprisonment.

In Criminal Case No. L-122-A, *People vs. Apolonio Tazal*, Judge Pablo sentenced the accused to an indeterminate penalty of two months and one day as minimum to four months of arresto mayor as maximum.

That sentence is not sanctioned by the Indeterminate Sentence Law, Act No. 41003, as amended, whose section 2 provides that it does not apply "to those whose maximum term of imprisonment does not exceed one year".

The plea of the respondent that those mistakes were committed in good faith does not exculpate him for his failure to familiarize himself with some elementary rules in the imposition of penalties.

He could have avoided those blunders if he had been more careful and assiduous in reading the Revised Penal Code and the Indeterminate Sentence Law. The fact that before his appointment as Judge he served as an assistant provincial fiscal of Tarlac makes his mistakes all the more inexcusable and deplorable. (He was admitted to the bar in 1936 and was appointed Judge in 1973.)

WHEREFORE, respondent Judge is severely censured or reprimanded for those errors and ordered to pay a fine equivalent to his salary for one month. He is warned that a more drastic disciplinary action would be taken against him for similar irregularities.

SO ORDERED.

Barredo (Chairman), Concepcion, Jr., Abad Santos, and De Castro, 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.