

PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. DIONISIO LIDRES, DEFENDANT AND APPELLANT.

G.R. No. L-12495. July 26, 1960

Ponente: BARRERA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/91921c01c73d/>

BARRERA, J.:

Dionisio Lidres was charged in the Court of First Instance of Cebu (Criminal Case No. V-4137) with the crime of usurpation of official functions as defined and penalized in Republic Act No. 10, under the following information:

"That on or about the 22nd day of February, 1954, in the municipality of Balamban, province of Cebu, Philippines, within the jurisdiction of this Court, the above-named accused, with deliberate intent and without pretense of official position did, then and there wilfully, unlawfully and feloniously perform acts pertaining to the position of the second grade class of the Biasong Elementary School of the aforementioned municipality, a position assigned to and occupied by Miss Josita Diutay who had been duly appointed to said position.

"CONTRARY TO LAW."

Upon arraignment, he pleaded not guilty and was, thereafter tried. After trial, he was found guilty of the crime charged and was sentenced to suffer an indeterminate penalty of from 3 years to 5 years, and to pay the costs. From this judgment, he appealed to us directly assigning as sole error the trial court's finding that under the information and facts of the case, he was guilty of the crime of usurpation of official functions.

The records disclose that Magdalena P. Echavez, a public school teacher of Biasong Elementary School, at Balamban, Cebu, applied for and was granted maternity leave beginning the first school day of January, 1954 and ending on March of the same year. To fill up the vacancy expected to be created by said leave of Echavez, Josita Diotay and defendant Lidres filed their respective applications as substitute teachers. On December 30, 1953, Diotay was recommended by the supervising teacher of the aforementioned school, Hilario Laspiñas, to fill up the position of Echavez. Laspiñas, however, requested Diotay to sign an agreement (Exh. 1), wherein both Diotay and defendant agreed to take over Echavez' position on a "50-50" basis, that is, the period from January, 1954 to March, 1954, would be equally divided between them. Thereafter, Diotay received her appointment (Exh. B) as substitute teacher, vice Echavez, effective January 4, 1954. Diotay then took over the job of Echavez and began teaching the second grade class in said school.

On February 12, 1954, apparently on the strength of the agreement (Exh. 1), defendant appeared at Biasong, Elementary School, armed with a prepared letter of resignation for the signature of Diotay. When defendant asked Diotay to sign said letter of resignation, the latter refused. Subsequently, defendant made known to Diotay that whether she liked it or not, he would take over her class on Monday, February 22, 1954. True to his words, defendant, on said date (February 22), went to the classroom where Diotay was conducting her classes, and insisted to take over the same, but Diotay tried to hold on. As a consequence, both held classes, Diotay on 2 rows of pupils and defendant, on the remaining 2 rows. In order to assert his authority, defendant also erased Diotay's name from the attendance chart, and placed his own. Annoyed by defendant's actuation, Diotay left the classroom,

and reported the matter to the principal teacher, Exequiel Tecson, at Balamban. The latter advised her to return to her post, which she did. When she arrived at her classroom in the afternoon of the same day (February 22), defendant was still there, holding the class until 4:00 o'clock. In view of this, Diotay went back to inform said principal about defendant's insistence in taking over her class.

On the following day, February 23, 1954, both Diotay and defendant were summoned by the supervising teacher (Laspiñas) for a conference in Cebu City. At said conference, said supervising teacher told Diotay to continue teaching, while defendant was advised not to go back to the school. Without heeding said instruction, defendant, on February 24, 1954, without any authority whatsoever, again took over Diotay's class, against the latter's will.

Upon this set of facts, appellant was prosecuted and sentenced as stated at the beginning of this opinion.

In regard to the offense of usurpation of official functions, the law, as originally appearing in Article 177 of Act No. 3815 (Revised Penal Code), provides:

"Art. 177. Usurpation of official functions.—Any person who, under pretense of official position, shall perform any act pertaining to any person in authority or public officer, without being lawfully entitled to do so, shall suffer the penalty of prision correccional in its minimum and medium periods." (Emphasis supplied.)

"Any person who, with or without pretense of official position, shall perform any act pertaining to the Government, or to any person in authority or public officer, without being lawfully entitled to do so, shall be punished with imprisonment for not less than two years nor more than ten years." (Sec. 1; Emphasis supplied.)

Still later on, or on June 14, 1949, Republic Act 379 was adopted, amending Article 177 of the Revised Penal Code, to read as follows:

"ART. 177. Usurpation of Authority or official functions.—Any person who shall knowingly and falsely represent himself to be an officer, agent, or representative of any department or agency of the Philippine Government or of any foreign government, or who, under pretense of official position, shall perform any act pertaining to any person in authority or public officer of the Philippine Government or of any foreign government, or any agency thereof, without being lawfully entitled to do so, shall suffer the penalty of prision correccional in its minimum and medium periods." (Emphasis supplied.)

On May 31, 1954, appellant was, as already stated, prosecuted and later tried and convicted under Republic Act No. 10. Appellant now contends in his appeal that Republic Act No. 10 is not applicable to his case because this law is an emergency measure and intended to apply only to members of subversive organizations.

Examination of the discussion of House Bill No. 126, which became Republic Act No. 10, discloses indisputably that said Act was really intended as an emergency measure, to cope with the abnormal situation created by the subversive activities of seditious organizations at the time of its passage in September, 1946. Hence, the elimination of the element of pretense of official position required under Article 177 above-quoted of the Revised Penal Code, and the elevation of the penalty from prision correccional in its minimum and medium periods (under the latter provision) to not less than 2 years nor more than 10 years (under Rep. Act No. 10).

* * *

"Mr. Sumulong. Now, if the gentleman will allow me to add something to that—because I do not want to have any possibility of misunderstanding—when I say that this proposed measure is intended to supplant the provision of the Penal Code, I want to make it clearly understood that this is going to replace the Penal Code provision only so long as the situation which we intend to correct with this measure continues to exist, and we like to believe that this situation will not be permanent but only transient and ephemeral.

"Mr. Roy. I should like that to be made clear on the records. Do I understand from the gentleman from Rizal

that this is a sort of an emergency measure?

"Mr. Sumulong. Exactly.

"Mr. Roy. And, if so, will, the gentleman explain the justification for the existence of that emergency?

"Mr. Sumulong. This is an emergency measure because the situation which we propose to correct with this bill, we believe, has its origin during the Japanese occupation. It is a situation which was created on account of psychology which arose during that extraordinary period in our history.

* * *

"Mr. Roy. Now referring to present conditions, does the gentleman have in mind the reported activities of some organizations in the Central Plains of Luzon to the effect that those organizations are levying or collecting taxes and performing marriages?

"Mr. Sumulong. I think those are intended to be corrected by this measure, if the newspaper reports and the information contained in official reports are true, which I cannot definitely state one way or the other."

* * *

(Congressional Record, House of Representatives, Vol. I, No. 16, June 18, 1946, p. 309; emphasis supplied).

The explanatory note of said bill, states:

"In some provinces of the Philippines, the rule of law and order has been impaired or replaced by force and terrorism. Using economic injustice as a rallying cry, unscrupulous agitators have succeeded in destroying public faith and confidence in the orderly processes of government and in imposing extralegal rule over the inhabitants therein. That faith and confidence must be restored and constituted authority respected. The Government must resist with all the forces at its command any attempt to subvert public authority. The accompanying bill seeks to remedy the situation and approval thereof by this body is, therefore, hereby urged." (Id., at p. 307; emphasis supplied.)

Were Republic Act No. 10 not so intended to apply only to members of subversive organizations, it would create an absurd situation where a lesser offense—performing official functions without pretense—is penalized with a higher penalty, that of imprisonment of not less than two years nor more than 10 years, instead of prison correccional in its minimum and medium periods. And since it is neither alleged in the information aforequoted, nor proved during the trial that defendant is a member of said seditious organizations engaged in subversive activities, he could not be held liable or found guilty under said provision of Republic Act No. 10.

Granting, arguendo, that Republic Act No. 10 is an amendment to Article 177 of the Revised Penal Code and not merely an implementation thereof (2 Padilla, Revised Penal Code Annotated [1958 Ed.] 267), or an emergency measure as stated, the subsequent enactment of Republic Act No. 379 effective June 14, 1949, would constitute an amendment thereof by restoring the element of pretense of official position in the offense of usurpation of official functions, originally required by Article 177 prior to its amendment by the latter Act. Under Republic Act No. 379 then, the law in force at the time of the commission of the alleged offense by defendant, pretense of official position is an essential element of the crime of usurpation of official functions. But the information specifically charges that defendant committed the offense "without pretense of official position". Under the circumstances, the facts alleged in the information fail to constitute an offense. Neither can defendant be convicted of usurpation of authority, as distinguished from usurpation of official functions, under the first paragraph of Article 177, as amended by said Republic Act No. 379, namely, that of representing to be an officer, agent, or representative of any department or agency of the Philippine Government or of any foreign government, inasmuch as the information does not charge the same.

Wherefore, the decision appealed from is hereby reversed; the accused acquitted, with costs de oficio, and the bond given for his provisional liberty cancelled. So ordered.

Paras, C. J., Bautista Angelo, Labrador, Concepcion, Endencia, and Gutierrez David, JJ., concur.

Reyes, J.B.L., 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.