

## THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. FELIX GARCIA Y FULGENCIO, DEFENDANT AND APPELLANT.

*G.R. No. L-5631. April 27, 1954*

Ponente: PARAS, C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/dc7f92de7f72/>

---

### PARAS, C.J.:

The defendant Felix Garcia y Fulgencio was charged in the Court of First Instance of Manila with having sold tickets for "Have" races of the Philippine Charity Sweepstakes, in violation of Act 4130, as amended by Commonwealth Act No. 301. Upon arraignment on March 17, 1952, he entered a plea of guilty; whereupon the court rendered a decision finding him guilty as charged, and sentencing him to undergo one month of imprisonment, with the accessories of the law, and to pay the costs. The defendant has appealed, contending that the lower court erred (1) in entering a plea of guilty, and (2) in rendering judgment under an information that charges no offense.

The second assignment of error, with which the Solicitor-General agrees, being well-taken, there is no need of passing upon the first. The pertinent provision of Act No. 4130, as amended by Commonwealth Act No. 301, penalizes with imprisonment for not less than one month nor more than three years, any person who, without being a duly authorized agent of the Philippine Charity Sweepstakes, sells tickets of said corporation or, being such agent, sells tickets, fractions or coupons thereof not issued by the corporation, representing or tending to represent an interest in tickets issued by the corporation.

The appellant is accused of selling tickets for "have" races of the Philippine Charity Sweepstakes which are different from and not tickets issued by said corporation, or tickets not issued by it representing or tending to represent an interest in tickets issued by said corporation. The law relied upon does not include "Have" tickets for Sweepstakes races. Neither was there any other statute that prohibited and punished the act imputed to the appellant.

The decision appealed from is, therefore, hereby reversed and the information dismissed. So ordered without costs.

Pablo, Bengzon, Montemayor, Reyes, Jugo, Bautista Angelo, Labrador, and Concepcion, 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.