

THE UNITE STATES, PLAINTIFF AND APPELLEE, VS. ONG YEC SO, DEFENDANT AND APPELLANT.

G. R. No. 10299. August 03, 1915

Ponente: CARSON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-10299/>

CARSON, J.:

There can be no reasonable doubt of the guilt of the accused of the offense of which he was convicted in the court below, unless it be held that the witnesses for the prosecution willfully and maliciously testified falsely against him. We find nothing in the record which would justify us in arriving at such a conclusion.

The penalty imposed by the trial judge does not appear to be excessive, taking into consideration all the circumstances disclosed by the record. The trial judge properly took into consideration the evidence as to a former conviction, not for the purpose of imposing the penalty authorized by the statute in cases of recidivism, but as a ground for the imposition of a somewhat more severe penalty than the minimum prescribed by law.

Section 2 of Act No. 2381, which defines and penalizes the unlawful use and possession of opium, provides that "the violation of any provision hereof shall be punished by a fine of not less than three hundred nor more than ten thousand pesos and imprisonment not less than three months nor more than five years, and in case of recidivism incident to the commission of a second or subsequent offense under the provisions of this section, the delinquent may be deported if not a citizen of the United States or of the Philippine Islands."

From the express terms of the statute it is clear that the penalty prescribed in case of recidivism can be imposed only in those cases wherein there has been a previous conviction under this statute, and that a former conviction under the old law is not sufficient for that purpose.

We are of opinion, however, that in the exercise of the wide discretion in the imposition of penalties conferred upon the courts under this statute, it is proper and just to take into consideration former convictions for violations of the old Opium Law as the ground for the imposition of the prescribed penalties in a somewhat more severe form than that which should be applied to a first offender.

The judgment convicting and sentencing the appellant should therefore be affirmed, with the costs of this instance against the appellant. So ordered.

Arellano, C. J., Torres, Johnson, Trent, and Araullo, 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.