

## THE UNITED STATES, COMPLAINANT AND APPELLEE, VS. GAVINO GARCIA, DEFENDANT AND APPELLANT.

*G.R. No. 1767. January 21, 1905*

Ponente: MAPA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-1767/>

---

### MAPA, J.:

The Court of First Instance has sentenced the defendant to five years' imprisonment for the crime of robbery.

The evidence in the record fully shows the guilt of the defendant. The robbery was committed with intimidation and should be punished in accordance with paragraph 5 of article 503 of the Penal Code, as it is not covered by any of the four previous paragraphs of the said article.

There is no aggravating circumstance present in the commission of the crime to be appreciated, for, although the robbery was committed at night, it seems evident, by what is drawn from the evidence in the record, that that circumstance was not purposely sought by the accused, inasmuch as his meeting with Alejandro Masa and Julian Miguel, whom he robbed of the sums of 2 and 8 pesos, respectively, was merely accidental.

The penalty prescribed by law should therefore be imposed in its medium degree upon the accused; and this penalty being that from presidio correccional to presidio mayor in its medium degree, it is clear that the sentence of five years' imprisonment imposed upon the said accused, and from which he appealed, falls within the said degree.

Therefore, we affirm the said judgment against the accused, it being understood that it is to be of five years of prisidio correccional instead of prision, and sentence him moreover to the restitution of the unrecovered amount of 2 pesos to Alejandro Masa, and to the payment of the costs of both instances. So ordered.

Arellano, C. J., Torres, Johnson, and Carson, 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.