

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. FELICIANO DE GUZMAN, DEFENDANT AND APPELLANT.

G.R. No. 3071. March 14, 1907

Ponente: MAPA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-3071/>

MAPA, J.:

The complaint in this cause reads as follows:

"The undersigned accuses Feliciano de Guzman and Lorenzo Fajardo of the crime of lesiones menos graves committed as follows: That the two said accused on or about the 9th day of May, 1905, in the municipality of Polo, of this province, willfully and criminally caused and inflicted upon Pedro Ignacio personal injuries (wounds), which, with the aid of medical treatment were cured sixteen days thereafter; this contrary to and against the law in such case made and provided."

After due trial had in this case, the accused Lorenzo Fajardo was acquitted of the offense charged. Feliciano de Guzman was found guilty and sentenced to one year and eight months' imprisonment (prision correccional) and to pay to the offended party, Pedro Ignacio, an indemnity in the sum of 250 pesos or to suffer subsidiary imprisonment in case of insolvency, together with the costs, from which sentence the said accused, Guzman, appealed.

This court accepts as proven the guilt of the appellant as found by the trial judge in his sentence in this case, such findings being in accordance with the facts and merits. We can not say this, however, with respect to the penalty imposed, such penalty not being in accordance with the offense as alleged and charged. This case or charge being one of lesiones menos graves (personal injuries), treated successfully and cured within a period of sixteen days after the infliction of the same, as is expressly alleged and set forth in the complaint herein, the penalty in this case should have been that of arresto mayor, or banishment, together with a fine of from 325 to 3,250 pesetas, within the discretion of the court; this is in accordance with and as prescribed in article 418 of the Penal Code.

The fact that the period of treatment of the wounds or injuries and the effecting of the cure of same covered more than thirty days, as has been shown by the proofs taken and had in this case, was undoubtedly taken into consideration and account by the court below in sentencing the accused to suffer the penalty of one year and eight months' imprisonment (prision correccional), and finding the accused guilty under paragraph 4 of article 416 of the Penal Code, which article prescribes the penalty and punishment to be imposed in one of the special cases of lesiones graves. The application of this penalty would have been correct and proper had it not been for the fact that the complaint in this case was drawn charging and alleging categorically and concretely the crime of lesiones menos graves, and having in effect the same legal force and character in that the wounds or injuries, as is set forth in said complaint, were cured within a period of sixteen days after the infliction of same. In the criminal procedure now in force and effect it is not proper or practicable to punish or impose upon the accused a penalty for a graver offense than that with which he has been accused and charged in the complaint; this may be deduced a contrario sensu from section 29 of General Orders, No. 58.[1]

We, therefore, as is alleged and charged in the complaint and in accordance herewith, find the accused guilty of the crime of lesiones menos graves committed with the aggravating circumstance of alevosia in that the attack was made suddenly, treacherously and without warning, thereby preventing any defense on the part of the offended and attacked party.

We reverse the judgment appealed from and sentence the accused to six months' imprisonment (arresto mayor), together with the payment of an indemnity of 250 pesos to the offended party or to suffer subsidiary imprisonment therefor in case of insolvency at the rate of one day for each 12½ pesetas of such indemnity, which subsidiary imprisonment shall not exceed the one-third part of the principal penalty imposed herein, together with the costs of this instance. There shall be taken into consideration and allowed to the accused a credit of one-half of the time he has been already imprisoned on this charge.

After the expiration of ten days from the date of the notification of this decision let judgment be entered in accordance herewith and ten days thereafter let the case be remanded to the court from whence it came for proper action. So ordered.

Arellano, C. J., Torres, Carson, Willard, and Tracey, JJ., concur.

[1] 1 Pub. Laws, 1085.

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.