

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. SEVERINO MACAVINTA, DEFENDANT AND APPELLANT.

G. R. No. 3526. August 29, 1907

Ponente: JOHNSON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-3526/>

JOHNSON, J.:

On the 8th day of April, 1904, the provincial fiscal of the Province of Capiz presented a complaint against the defendant, charging him with the crime of estafa.

On the 27th day of July, 1904, the said fiscal filed an amended complaint against the defendant, charging him with the crime of embezzlement.

On the 28th day of July, 1904, the defendant was duly arraigned upon said amended complaint and entered a plea of "not guilty," and on the same day he was placed upon trial. After several suspensions of the trial of said cause the said fiscal concluded the presentation of his proof on the 27th day of August, 1904.

On the 28th day of September, 1904, the attorney for the defendant commenced the presentation of proof on behalf of the said defendant and produced one witness, who was duly sworn and testified.

On the 29th day of September, 1904, the attorney for the defendant presented a motion asking that the trial of said cause be suspended until the next regular session of the court, supporting the motion by an affidavit of the said defendant showing that he had been unable to secure the attendance of several of his witnesses. On the same day the same judge, Hon. Mariano Cui, who had heard the testimony, granted the said motion and suspended the further trial of the said cause until the next regular session of the court. Nothing further was done in the cause until the 8th day of May, 1905. On this latter date it was made to appear of record that the said defendant renounced his right to present further proof in said cause; whereupon the Hon. W. F. Norris, the regular judge of the court, ordered a transcription of the notes taken by the stenographer during the trial of the cause. The notes of the said stenographer having been transcribed, the said Hon. W. F. Norris, on the 15th of November, 1905, ordered that the record, including the evidence, be remitted to the Hon. Mariano Cui, who had heard the evidence adduced during the trial of the said cause, in order that he might prepare the sentence therein.

On the 15th day of June, 1906, it appears of record that the said Hon. Mariano Cui, in the city of Cebu, concluded his sentence in said cause, sentencing the said defendant to be imprisoned for a period of one year and one day of presidio correccional and of eleven years and one day "of special temporary disqualification for the office of municipal treasurer or others of a similar nature during the period of the sentence, to the accessories of the law, and to reimburse the municipality of Calivo in the sum of 24 pesos, suffering in case of insolvency subsidiary imprisonment and to pay the costs." From this decision the defendant appealed to this court.

The defendant and appellant in this case contends that the said Hon. Mariano Cui had no jurisdiction to prepare the sentence in said cause, not having concluded the trial of said cause. The record fully demonstrates that on the 29th day of September, 1904, the defendant had not presented all of his witnesses and that he could not upon that

day conclude the presentation of his proof for the reason that several of his witnesses were not present in court; therefore at the time that the said Hon. Mariano Cui ceased to have any participation in the trial of the case, the trial of said cause was not closed, and that when the cause was closed he was not judge in said province.

The cause was finally closed and submitted to the Hon. W. F. Norris, the regular judge of said province, and it was his duty to consider the evidence of record and to have decided said cause.

For the reason, therefore, that the said Hon. Mariano Cui did not have jurisdiction over the said cause at the time it was submitted to the court of said province, he had no authority or jurisdiction to render the decision therein, and for this reason the said sentence is reversed and the case is hereby ordered to be remanded to the Court of First Instance of the Province of Capiz, with direction that the judge thereof render such sentence in the cause as the record and evidence justify, without any finding as to costs. So ordered.

Arellano, C, J., Torres, Willard, and Tracey, 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.