

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. JUAN GARCIA, DEFENDANT AND APPELLANT.

G.R. No. 4366. February 28, 1908

Ponente: JOHNSON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-4366/>

JOHNSON, J.:

This defendant was charged with the crime of allanamiento de morada (forcible entry of a dwelling), committed as follows:

"That on or about the 3d of April, 1907, in the pueblo of Polo, the Province of Bulacan, Philippine Islands, the defendant fraudulently and criminally entered into the house of another against the will of its owner, Manuel Villariba, against the provisions of the law."

Upon this complaint the defendant was duly arrested and tried by the Court of First Instance of the Province of Bulacan, found guilty and sentenced to be imprisoned for a period of four months and one day of arresto mayor and to pay a fine of 325 pesetas, and to suffer, in case of insolvency, subsidiary imprisonment in accordance with the provisions of the law, and to pay the costs.

From this sentence the defendant appealed to this court.

An examination of the evidence brought to this court shows beyond the slightest doubt that the defendant did, on the night mentioned in the complaint, enter the house of one Manuel Villariba, without the permission of the said Villariba. The evidence further discloses that the defendant entered said house at the express invitation of Marciana Villariba, who was then and there living in the same house with the said Manuel Villariba. This court has decided that when it appears from the evidence that the defendant entered the house at the request of one of the occupants thereof he can not be held guilty of the crime of allanamiento de morada. (U. S. vs. Agas, 4 Phil. Rep., 129.) A mere presumption that the entrance into the house was against the will of the owner thereof is not sufficient, under these circumstances, to determine the existence of the crime, but it must be proved that the owner did not consent to such entrance. The record in the present case clearly discloses that Marciana Villariba not only invited the defendant to enter the house on the night in question but aided and assisted him in so doing.

The foregoing decision of this court is also supported by decisions of the supreme court of Spain of the 28th of June, 1876, the 28th of September, 1876, as well as that of the 18th of April, 1888.

For all of the foregoing reasons it is the opinion of this court that the facts are not sufficient to justify the sentence of the lower court and the said judgment is therefore hereby reversed and the defendant ordered to be discharged, with costs de oficio. So ordered.

Arellano, C. J., Torres, Mapa, Carson, 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.