

THE PEOPLE OF THE PHILIPPINE ISLANDS, PLAINTIFF AND APPELLEE, VS. FILEMON FRESCO, DEFENDANT AND APPELLANT.

G. R. No. 44934. September 30, 1936

Ponente: ABAD SANTOS, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-44934/>

ABAD SANTOS, J.:

Court of First Instance of Manila wherein an information was filed against the appellant for the crime of rape with serious physical injuries. Upon being arraigned, he entered a plea of not guilty. After due trial he was convicted of the crime charged in the information and sentenced to suffer imprisonment of not less than fourteen years, eight months and one day and not more than seventeen years, four months and one day of reclusion temporal; to indemnify the offended party in the sum of P100, without subsidiary imprisonment in case of insolvency; and to pay the costs. From the judgment thus rendered this appeal was taken.

Due to the appellant's inability to employ a lawyer, he was provided with an attorney de oficio. In the brief filed by the latter, the guilt of the appellant is admitted, and the only question raised relates to the correctness of the penalty imposed by the court below. In view of the fact that the brief thus filed by the attorney de oficio raised a question of law only, the case was submitted to this court for decision. In the meantime, however, the attention of the court was called to a letter written by the appellant to one of the members thereof, wherein the former claims that he is innocent of the crime of which he was found guilty by the lower court. We have thus a situation in which a client disagrees with his lawyer as to the questions which should be raised in a case on appeal. While there is no provision of law exactly applicable in the premises, we believe that the ends of justice require that, under the circumstances obtaining in this case, a review of the evidence should be had in order to determine the guilt or innocence of the accused.

It results that this case involves both questions of law and fact, and, therefore, comes within the jurisdiction of the Court of Appeals.

Wherefore, it is ordered that the clerk of this court certify the case to the clerk of the Court of Appeals in accordance with section 145-O of the Revised Administrative Code, as amended by section 3 of Commonwealth Act No. 3.

Avanceña, C. J., Villa-Real, Imperial, Diaz, and Laurel, 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.