

THE PEOPLE OF THE PHILIPPINE ISLANDS, PLAINTIFF AND APPELLEE, VS. PEDRO MASONSON Y KATIBAK (ALIAS PEDRO BALAGTAS, CRISPIN GONZALO), DEFENDANT AND APPELLANT.

G. R. No. 45249. December 29, 1936

Ponente: ABAD SANTOS, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-45249/>

ABAD SANTOS, J.:

Appellant was charged with the crime of theft and, upon a plea of guilty, he was sentenced by the Court of First Instance of Manila to suffer one month and one day of *arresto mayor*, and to pay the costs. He was further sentenced to an additional penalty of ten years and one day of *prision mayor* for habitual delinquency.

The only question raised by this appeal relates to the correctness of the imposition of the additional penalty upon the following allegation contained in the information:

"That said accused is a habitual delinquent under the provisions of article 62 of the Revised Penal Code, he having been previously convicted four (4) times of the crime of theft, by final judgments of competent courts, his last date of conviction of the crime of theft being October 8, 1935."

Upon this point this court has held that a finding of habitual delinquency cannot be predicated upon a plea of guilty to an information which fails to specify the dates of the commission of the alleged previous offenses, the appellant's convictions thereof, and his release thereunder. (*People vs. Venus*, p. 435, ante; *People vs. Flores*, p. 443, ante; *People vs. Tapel*, p. 464, ante.) However, a general allegation of a previous conviction is sufficient to sustain a finding of the existence of the aggravating circumstance of recidivism. (*People vs. Alcantara*, G. R. No. 39505, 58 Phil., 950; *People vs. Fortaleza*, G. R. No. 42871, 61 Phil., 1035; *People vs. Valencia*, 59 Phil., 42; *People vs. Cabral*, G. R. No. 39200, 58 Phil., 930; *U. S. vs. Burlado*, 42 Phil., 72.)

In the view we have taken of the case, the appellant must be found guilty of the crime of theft penalized with *arresto mayor* in its minimum and medium periods. (Revised Penal Code, article 309, paragraph 6.) The aggravating circumstance of recidivism having been offset by the modifying circumstance of plea of guilty, the penalty prescribed should be imposed in its medium period, that is to say, from two months and one day to three months of *arresto mayor*.

The judgment below should be modified by sentencing the appellant to suffer two months and one day of *arresto mayor* and by eliminating therefrom the additional penalty imposed for habitual delinquency.

Modified as above indicated the judgment is affirmed with costs *de oficio*. So ordered.

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