

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. JORGE LEYNEZ, DEFENDANT AND APPELLANT.

G.R. No. 45364. June 07, 1938

Ponente: DIAZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-45364/>

DIAZ, J.:

Stated briefly, the question raised by the defendant's appeal is this:

If the crime of slight physical injuries committed is of the kind defined in paragraph 1 of article 266 of the Revised Penal Code and penalized with *arresto menor*, and the offender, after the commission of the crime, voluntarily surrenders to the agents of authority, and, when charged and arraigned, spontaneously pleads guilty, should the penalty be light fine or only public censure, having in view the rule established in article 64 that, when there are two or more mitigating circumstances without any compensating aggravating circumstance, the appropriate penalty to be imposed is that immediately lower?

The trial court held that it should be the first, while the appellant, with whom the Solicitor-General concurs, uphold? the second.

The lower court, in meting out the indicated penalty, relied on the former text of article 71 of the Revised Penal Code worded as follows:

"Art. 71. Fine.—The fine shall be considered as the last of all the principal penalties listed in the preceding article." It has undoubtedly missed the fact that Commonwealth Act No. 217, approved on November 24, 1936, substantially amended said article by clearly providing that the penalty immediately lower in degree than *arresto menor* is public censure. The pertinent portion of the amendment reads:

"Art. 71. Graduated scales.—In the cases in which the law prescribes a penalty lower or higher by one or more degrees than another given penalty, the rules prescribed in article 61 shall be observed in graduating such penalty.

"The lower or higher penalty shall be taken from the graduated scale in which is comprised the given penalty.

"The courts, in applying such lower or higher penalty, shall observe the following graduated scales:

"Scale No. 1

"1.

Death,

2.

Reclusion perpetua,

3.

Reclusion temporal,

4.

Prision mayor,

5.

Prision correccional,

6.

Arresto mayor,

7.

Destierro,

8.

Arresto menor,

9.

Public censure,

10.

Fine."

It cannot be alleged that the legal provision in force at the time of the commission of the crime of which the appellant was convicted, was the original article 71 of the Revised Penal Code, for the reason that this circumstance does not bar the application of its amendment which is more favorable to the appellant; since the rule in these cases is that penal laws always have a retroactive effect when they are favorable to the convict, the only exception being the case which treats of a habitual delinquent. (Art. 22, Revised Penal Code.) In view of these considerations, we reach the conclusion and so hold that the penalty immediately lower in degree than arresto menor is public censure.

Wherefore, the appealed judgment is modified in the sense indicated, with costs de oficio. So ordered.

Avanceña, C. J., Villa-Real, Abad Santos, Imperial, 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.