

CRISPINO ENRIQUEZ, PETITIONER AND APPELLANT, VS. THE PEOPLE OF THE PHILIPPINES, RESPONDENT AND APPELLEE.

G.R. No. 45889. May 06, 1939

Ponente: MORAN, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-45889/>

MORAN, J.:

Petitioner, Crispino Enriquez, owns in the barrio of Dalayap, Macabebe, Pampanga, a fishpond comprising two (2) parcels of land over which he holds a certificate of title. According to the findings of the Court of Appeals, these two (2) parcels of land are separated by a portion of the Dalayap river, a navigable stream of public ownership. As the fishpond is enclosed with dikes, a portion of the Dalayap river separating the two (2) parcels is thus cut off and the free course thereof obstructed by said dikes. On March 24, 1934, the Secretary of Public Works and Communications addressed to said petitioner the following communication:

"After due investigation by the Bureau of Public Works of the Dalayap river in Macabebe, Pampanga, it was found that you and your wife, Maria Joaquin, have closed said river and appropriated a portion thereof by including it within your fishpond. It was also found that this river is of public ownership and navigable, in view of which its closing is prejudicial to public interests.

"You are therefore requested to remove the obstruction you have placed on said stream within 30 days from receipt hereof, otherwise, this office will be compelled, much to its regret, to institute judicial action against you under section 1926 of the Administrative Code."

To this communication petitioner, through counsel, replied denying the basic statement contained therein; whereupon the secretary addressed to him on June 16, 1934, another letter ordering him to remove the obstruction immediately. Petitioner then requested for reinvestigation but, in the meantime, took no steps to comply with the order of removal. On August 16, 1934, the provincial fiscal of Pampanga presented in the justice of the peace court of Macabebe an information against the petitioner and his spouse Maria Joaquin, for violation of section 25-A of Act No. 3208. Judgment was there rendered sentencing the accused to pay a fine of fifty pesos (P50) with the subsidiary imprisonment in case of insolvency. On appeal to the Court of First Instance of Pampanga, the defendants were sentenced to pay a fine of one hundred pesos (P100) each with similar subsidiary imprisonment in case of insolvency. The Court of Appeals, upon elevation of the case thereto, affirmed this judgment with respect to the petitioner, but acquitted his spouse. The case is now before this court on a writ of certiorari for review of the questions of law.

Petitioner here reiterates the view that the criminal action instituted against him was premature. This contention rests upon the supposed pendency of his petition for reinvestigation when the information against him was filed. The period of thirty (30) days given the petitioner by the secretary's order of March 24, 1934, is a time fixed by law. According to section 25-A of Act No. 3208, the secretary "shall give the party concerned a period not to exceed thirty days for the removal of such obstacle" and this period cannot be extended unless "the nature of the construction or some fortuitous cause requires it." Neither of these two grounds for extension is shown here. And, as a matter of fact, no extension has been applied for on either of said grounds. And the fact that the secretary, in

his letter of June 16, 1934, ordered the petitioner, to remove the obstruction immediately, shows that no extension has ever been intended. The petition for reinvestigation does not, *ex proprio vigore*, suspend the running of the period, where no express statement to that effect is made by the secretary; otherwise by repetition of such pleas, orders of removal may be ignored with impunity to the detriment of public interests, and, as aptly observed by the Court of Appeals, the execution and enforcement of the law will rest at the mercy of its violators.

It is contended that the case is purely civil in nature, for it involves question of ownership over real property. Under the express provision of section 25-A of Act No. 3208, "any natural or juridical person failing to comply with any legal order of the Secretary of Public Works and Communications for the removal of any obstacle," incurs the penal sanction of section 47 of Act No. 2152. The mere fact that the petitioner denies the closing of the Dalayap river and lays claim of ownership thereover, does not impart civil character upon an act defined as criminal in nature under the law. Such claim is a mere defense which, if sustained, may wipe out the basis of criminal liability.

Finally, it is argued that section 25-A of Act No. 3208 is an undue delegation of judicial power. This contention is completely untenable, for the authority conferred upon the Secretary of Public Works and Communications "to order the removal of any obstacle) to the free course of public waters, canals, ditches, or irrigation systems which may redound to the detriment of public or private rights recognized by the Irrigation Law and its amendments," is purely executive in character. Besides, this question cannot be raised at this stage of the proceedings. Under the law, cases involving constitutional questions, should be appealed directly to this court from the Court of First Instance (sec. 138, Admn. Code, as amended by Commonwealth Act No. 3). But the appeal was taken to the Court of Appeals, and there no constitutional objection could have been interposed. As we are but reviewing the decision of the Court of Appeals, we cannot pass upon a question that has not been presented therein.

Judgment is affirmed, with costs against petitioner.

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.