

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. FERMIN PUNTO, DEFENDANT AND APPELLANT.

G.R. No. 46170. September 20, 1939

Ponente: LAUREL, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-46170/>

LAUREL, J.:

The accused was prosecuted in the Court of First Instance of Laguna for a violation of article 195 of the Revised Penal Code, as amended by Commonwealth Act No. 235, upon the following information:

"Que en o hacia el 12 de octubre de 1937, en el barrio de Sto. Angel del municipio de San Pablo, Provincia de Laguna, Commonwealth de Filipinas, y dentro de la jurisdiccion de este Juzgado, el acusado arriba nombrado, voluntaria, ilegal y criminalmente, a sabiendas y sin motivo legitimo, tenia en su poder y bajo su posesion y control efectos relacionados con el juego de azar denominado jueteng, consistentes en varios papelitos de jueteng, un lapiz y la suma de P0.91 en efectivo, los cuales efectos fueron encontrados por los agentes de la autoridad en poder de dicho acusado quien, antes de la referida fecha, ya habia sido convicto y condenado de igual infraccion por el Juzgado de Paz de dicho municipio de San Pablo, el 3 de agosto de 1932."

The accused pleaded guilty and was sentenced by the lower court to an indeterminate penalty of from four months of arresto mayor to two years, eleven months and eleven days of prision correccional, with the accessories of the law, and to pay the costs. The amount of P0.91 and the jueteng paraphernalia found in the possession of the defendant were declared forfeited to the Government.

The appellant challenges the constitutionality of Commonwealth Act No. 235, amendatory to article 195 of the Revised Penal Code on the ground that the penalty is cruel and unusual (par. 18, sec. I, art. III). The challenge is trivial. The punishment provided, far from being cruel and unusual, is motivated by a wholesome purpose, namely, to effectuate early repression of an evil that, in the opinion of the Legislature, undermines the social, moral, and economic growth of the nation, and is " * * * best calculated to answer the ends of precaution necessary to deter others from the commission of like offenses, * * *." (Jackson vs. U. S. [C. C. A., Alaska, 1900], 102 Fed., 473, 488).

The penalty for the violation charged is prision correccional in its medium degree. There being present the aggravating circumstance of recidivism, which is offset by the mitigating circumstance of plea of guilty, the prescribed penalty should be imposed in its medium period, that is, from two years, eleven months, and eleven days to three years, six months, and twenty days of prision correccional. The maximum penalty imposed by the court is, therefore, within the prescribed range.

Pursuant to the Indeterminate Sentence Law, as amended, the appellant may be sentenced to a minimum penalty of prision correccional in its minimum degree (People vs. Haloot, 37 Off. Gaz., 2901; People vs. Bernardino, 36 Off. Gaz., 1531; People vs. Co Pao, 58 Phil., 545; and others) which, under the circumstances of the case, should also be imposed in its medium period, or from one year, one month, and eleven days to one year, eight months, and twenty days. Hence, the minimum penalty imposed by the trial court is below the proper range and should,

therefore, be increased to one year, one month and eleven days of prision correccional.

As thus modified, the sentence is affirmed in all respects, with costs against the appellant. So ordered.

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