

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. HILARION CAMACLANG, DEFENDANT AND APPELLANT.

G.R. No. 46540. October 14, 1939

Ponente: AVANCEÑA, C.J.

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AVANCEÑA, C.J.:

The information filed in this case is for the crime of damage to property through reckless imprudence.

Upon being arraigned, the appellant pleaded guilty to the facts charged, stating, however, that the amount of the damage, as alleged, is excessive. The court considered this plea as one of guilty and sentenced him to pay a fine of P1,000 and to indemnify the offended party in the amount of P1,000. In imposing this penalty, the court undoubtedly took into account the amount of the damage alleged in the information.

The court erred in considering the plea of the appellant as a plea of guilty and in rendering judgment in accordance with the information, without giving the appellant an opportunity to adduce evidence as to the amount of the damage. The appellant did not fully plead guilty to the information, as he did not accept the alleged amount of the damage when he stated that it was excessive. The amount of the damage in the crime of damage to property is essential for the determination of the imposable penalty. It is held, therefore, that the trial court should give an opportunity to the appellant to adduce evidence as to the amount of the damage caused.

The appealed judgment is reversed, and the case is ordered remanded to the court of origin for further proceedings, without special pronouncement as to the costs. So ordered.

Villa-Real, Imperial, Diaz, Laurel, Concepcion, and Moran, JJ., concur.

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