

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. ALBINA MONTOYA (ALIAS ALBINA M. RAMOS), DEFENDANT AND APPELLANT.

G.R. No. 46609. July 22, 1939

Ponente: DIAZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-46609/>

DIAZ, J.:

The question to be determined in this case, in view of the appeal taken by Albina Montoya (alias Albina M. Ramos), from the judgment rendered by the Court of First Instance of Manila, sentencing her to the penalty of one year of prision correccional, to indemnify the offended party in the sum of P3,012.50 and to pay the costs of the proceedings, is whether or not said penalty is in accordance with law, taking into consideration her confession of guilt and the value of the articles misappropriated.

The appellant was charged with the crime of estafa, it having been alleged in the information that she defrauded Tasiana R. Doningo of certain garments valued at P1,012.50 and that she is a recidivist, having been convicted of other four crimes of estafa prior to the date of her last crime.

The crime of estafa where the amount of the fraud is over P200 but does not exceed P6,000, is punished by the Revised Penal Code by arresto mayor in its maximum period to prision correccional in its minimum period, that is, from four months and one day to two years and four months. By offsetting the aggravating circumstance of recidivism alleged in the information, which should be considered established by the admission of the appellant herself (*People vs. Siojo*, G. R. No. 36835 [57 Phil., 1005]; *People vs. Morales*, G. R. No. 42925 [61 Phil, 1032]; *People vs. Ilanan*, G. R. No. 43818 [CA], March 5, 1936), against the mitigating circumstance of voluntary confession of her guilt, the penalty that should have been and ought to be imposed upon her must not be less than one year and one day nor more than one year and eight months of prision correccional. The appellant's case is perfectly within the scope of article 315, subsection 3, of the Revised Penal Code, where such penalty is prescribed for the crime committed by her.

Wherefore, taking into consideration the provisions of the Indeterminate Sentence Law and the rule of compensation established in article 63, subsection 4, of the Revised Penal Code, the penalty that must be imposed upon the appellant is from two months and one day to one year and one day. Consequently, such penalty should be imposed upon the appellant, and so modified, the appealed judgment is affirmed in all other respects, with costs to said appellant. So ordered.

Avanceña, C. J., Villa-Real, Imperial, Laurel, 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.