

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS.
TEODULO YECLA ET AL., DEFENDANTS. DALMACIO CAHILIG,
APPELLANT.**

G.R. No. 46612. October 14, 1939

Ponente: AVANCEÑA, C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-46612/>

AVANCEÑA, C.J.:

The appellant was sentenced by the Court of First Instance of Capiz for the crime of homicide to the penalty of six years and one day of prision mayor, as minimum, to twelve years and one day of reclusion temporal, as maximum. In imposing this penalty, the Court did not take into account the mitigating circumstance of voluntary surrender by the appellant. The appeal was taken only because the Court did not consider this mitigating circumstance.

It is admitted that five days after the commission of the crime and two days after the issuance of the order for the arrest of the appellant, the latter presented himself in the municipal building to post the bond for his temporary release. We hold that this voluntary surrender constitutes a mitigating circumstance under paragraph 7 of article 13 of the Revised Penal Code.

The fact that the order of arrest of the appellant had already been issued is no bar to the consideration of this circumstance, because the law does not require that the surrender be prior to the order of arrest.

Moreover, the surrender of the appellant to post a bond for his temporary release was in obedience to the order of arrest and was tantamount to the delivery of his person to the authorities to answer for the crime for which his arrest was ordered.

Modifying the appealed judgment, we hold that there should be taken into account the mitigating circumstance that the accused voluntarily surrendered to the authorities, and considering that he also spontaneously pleaded guilty before the presentation of the evidence for the prosecution, the penalty imposable is that immediately lower to the prescribed by law, that is, four years of prision correccional, as the minimum, to eight years of prision mayor, as the maximum, provided that the indemnity due to the heirs of the deceased be P2,000 under Commonwealth Act No. 284, and the appealed judgment is affirmed in all other respects, with the costs. So ordered.

Villa-Real, Imperial, Diaz, 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.