

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS.
ROGELIO OLOD, DEFENDANT AND APPELLANT.***G.R. No. 47458. November 16, 1940*

Ponente: LAUREL, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-47458/>**LAUREL, J.:**

On March 14, 1940, in the municipal court of Baguio, Rogelio Olod was charged with the crime of theft, the complaint further charging him with being a habitual delinquent. Pleading guilty upon arraignment, the accused was sentenced to suffer a penalty of two months and one day of *arresto mayor*, to indemnify the offended party in the sum of P12, with subsidiary imprisonment in case of insolvency and to pay the costs. As habitual delinquent, the accused was sentenced to an additional penalty of two years, four months and one day of *prision correccional*. Defendant moved for reconsideration and prayed for the elimination of the additional penalty for habitual delinquency, on the ground of insufficiency of the complaint. The motion for reconsideration was denied by the municipal court and the defendant interposed an appeal to the Court of First Instance. Upon elevation of the case to the latter court, the city fiscal filed an information charging the defendant with the same offense of theft and with being a habitual delinquent. To the new information, defendant, upon arraignment, pleaded guilty, and the Court of First Instance imposed upon him the same penalty meted out by the municipal court for the offense and as habitual delinquent. Defendant interposed this appeal and makes the following assignment of errors:

"I. The lower court erred in admitting, over the objection of the defendant, the new information filed by the provincial fiscal instead of proceeding with the trial of the case on the original complaint filed in the municipal court of the City of Baguio.

"I. The lower court erred in finding the defendant a habitual delinquent under article 62, subsection 5 of the Revised Penal Code."

With reference to the first error assigned, an examination of the complaint filed with the municipal court of Baguio and the information filed by the City Fiscal with the Court of First Instance for the City, will show that the information does not change the nature of the offense charged. There is no material variance either as to the allegation of habitual delinquency. It was not necessary for the fiscal to file a new information as in cases of this nature the case is prosecuted upon the complaint filed in the inferior court. That which is unnecessary maybe ignored and should not be made to affect the validity of the entire proceedings. The first assignment of error is overruled.

As to the second error, decisions of this court subsequent to the *Venus* case have laid down the principle that substantial compliance with the requirements in the said case is enough to sustain convictions based on habitual delinquency. (*People v. Pedro Javier y Rivero*, G. R. No. 45470, June 30, 1937; *People v. Andres Pedrosa y Consigra*, G. R. No. 45708, January 29, 1938; *People v. Costosa y Paeres*, G. R. No. 47133, June 17, 1940; *People v. Ocbina y de los Santos*, G. R. No. 47031, June 22, 1940; *People v. Evangelista y Joson*, G. R. Nos. 46928, January 29, 1940; 46927, 46926, February 12, 1940.) This is the case here.

The judgment appealed from is hereby affirmed, with costs against the appellant. So ordered.

Avanceña, C.J., Imperial, Diaz, and Horrilleno, JJ., concur.

Judgment affirmed.

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.