

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. JOAQUIN MEMPIN, DEFENDANT AND APPELLANT.

G. R. No. 47960. April 08, 1941

Ponente: LAUREL, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-47960/>

LAUREL, J.:

The appellant herein was charged in the Court of First Instance of Nueva Ecija with the crime of robbery committed, according to the information, as follows:

"That on or about the 13th day of June, 1940, in the municipality of Rizal, Province of Nueva Ecija, P. I., and within the jurisdiction of this court, the above-named defendant, Joaquin Mempin, being a companion in the house of Aurelia Pancho and with grave abuse of confidence, taking advantage of the absence of Aurelia Pancho (owner of the house), by means of force upon things, did, then and there voluntarily, maliciously, illegally and criminally break the trunk and take therefrom with intent to gain the following personal properties:

Cash money

P44.00

Receipt valued at

15.00

Certificate of large cattle

2 1/2 sacks of rice valued at

14.50

1 cavan of palay valued at

2.60

1 carabao valued at

50.00

Total

126.10

belonging to Aurelia Pancho against her will."

The appellant pleaded guilty to the offense as charged, and was sentenced by the trial court to five years, five months and eleven days of prison correccional, to indemnify the offended party in the sum of P126.10, and to pay the costs. The defendant was also sentenced to three years, six months and twenty-one days of prisión correccional for habitual delinquency.

We find that the information filed in this case was, to say the least, carelessly drawn up by the provincial fiscal of Nueva Ecija. It is alleged that the appellant "by means of force ' upon things, did, then and there voluntarily, maliciously, illegally and criminally break the trunk and take therefrom with intent to gain, among other things, * * * one carabao" worth P50. The absurdity of the information in this respect seems to have been likewise overlooked by the trial judge. The appellant should, therefore, be convicted only for the robbery of the first three items mentioned in the information, namely: cash money of P44; receipt valued at P15; and the certificate of cattle.

According to counsel for the appellant, the allegation which refers to habitual delinquency was deleted by the provincial fiscal. As a matter of fact, there really appears on the first page of the information a line drawn from top to bottom crossing the second paragraph, which line is initialed by the provincial fiscal. In the interest of the orderly administration of justice, amendments to the information should not be done in this haphazard manner which is likely to give rise to confusion. The conviction of the appellant for habitual delinquency is set aside.

The penalty applicable under the penultimate paragraph of article 299 of the Revised Penal Code is prison correctional in its medium period (the minimum period of the penalty next lower in degree to that of prison mayor in its medium period to reclusion temporal in its minimum period), which is to be imposed in its medium degree, or from two years, eleven months and eleven days, to three years, six months and twenty days, inasmuch as the aggravating circumstance of grave abuse of confidence is offset by the plea of guilty. (Art. 64, Nos. 1 and 4, Revised Penal Code.) Pursuant to the Indeterminate Sentence Law, therefore, the appellant should be sentenced to an indeterminate penalty, the minimum period of which shall not be less than two months and one day, nor more than four months (this being the range of arresto mayor in its medium period, the penalty next lower in degree to the prescribed penalty which is prison correctional in its medium period) and the maximum, not less than two years, eleven months and eleven days, nor more than three years, six months and twenty days.

Accordingly, the judgment of the lower court is modified, and the accused is hereby sentenced to an indeterminate term of from three months to three years, six months and twenty days imprisonment, to indemnify the offended party in the sum of P59, with subsidiary imprisonment in case of insolvency, and to pay the costs.

The right to recover the carabao, the rice and the palay referred to in the information, is reserved to the offended party. So ordered.

Imperial, Diaz, Moran, and Horrilleno, JJ., concur.
Judgment modified.

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.