

DEMETRIO ENCARNACION, PETITIONER, VS. THE PEOPLE OF THE PHILIPPINES, RESPONDENT.

G.R. No. 48227. September 09, 1942

Ponente: MORAN, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-48227/>

MORAN, J.:

Petitioner, Demetrio Encarnacion, was found by the Court of Appeals to be in possession of jueteng lists and was on that ground convicted under article 195 of the Revised Penal Code, as amended by Commonwealth Act No. 235, the pertinent portion of which reads:

"(c) The penalty of prision correccional in its medium degree shall be imposed upon any person who shall, knowingly and without lawful purpose, have in his possession any lottery list, paper or other matter containing letters, figures, signs or symbols which pertain to or are in any manner used in the game of jueteng or any similar game which has taken place or about to take place."

Petitioner argues that, according to the aforequoted provision, possession alone of listas de jueteng will not suffice to sustain a judgment of conviction, it being necessary that having such lists should be shown to be "knowingly and without lawful purpose" and that the listas de jueteng "pertain to or are in any manner used in the game of jueteng or any similar game which has taken place or about to take place."

Possession by the accused of an article shown to be really a jueteng list, unless otherwise satisfactorily explained, is sufficient proof that it is without lawful purpose and is connected with a game of jueteng which has taken place or about to take place. The reason is that, in the nature of things, a jueteng list naturally pertains to a game of jueteng and that the accused would not keep it in his possession but for its connection with such game of jueteng. The burden, therefore, of the evidence is shifted to the accused to show that his possession is lawful and that the jueteng list is in no way connected with jueteng game that has taken place or about to take place.

Judgment is affirmed, with costs against petitioner.

Yulo, C. J., Bocobo, Generoso, and Lopez Vito, 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.