

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. BERNABE CATIPON ET AL., DEFENDANTS.-RUFINO DAVALOS, APPELLANT.*G.R. No. 4973. September 18, 1909*

Ponente: CARSON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-4973/>**CARSON, J.:**

The evidence of record sustains beyond a reasonable doubt the findings of the trial judge as to the guilt of the appellant of the complex crime of robo con lesiones graves (robbery with grave physical injuries), committed by an armed band, the physical injuries inflicted upon the offended party being such as to render his left leg useless for life, and the commission of the offense being marked by the aggravating circumstances of nocturnity and of its commission in the house of the offended party. The crime thus committed is defined and penalized in subsection 3 of article 503, read together with article 504 of the Penal Code, and the penalty prescribed therefor is the maximum degree of cadena temporal, that is to say, from seventeen years and four months to twenty years of cadena temporal. The crime thus defined and penalized having been marked by two aggravating circumstances, to wit, nocturnity and the commission of the crime in the house of the offended party, and no extenuating circumstances, this penalty should be imposed in its maximum degree. The maximum degree of the maximum degree of cadena temporal is from nineteen years, one month, and eleven days to twenty years' cadena temporal.

The trial court imposed the penalty of seventeen years, four months, and one day of cadena temporal, evidently treating the fact, that the crime was committed by an armed band as merely one of several aggravating circumstances necessitating the imposition of the penalty prescribed for the crime defined and penalized in subsection 3 of article 503 in its maximum degree, and neglecting the provisions of article 504, which penalize the robberies referred to in subsections 3, 4, and 5 of article 503, when committed by an armed band, with the maximum degree of the penalties prescribed in those subsections, so that in determining the penalty to be imposed when there are other aggravating or extenuating circumstances, the maximum degree of the penalties prescribed in those subsections is itself to be divided into three separate degrees and the penalties imposed accordingly.

The judgment of the trial court should be modified by imposing the penalty of nineteen years, one month, and eleven days of cadena temporal, this penalty being the maximum of the maximum degree of the penalty prescribed in subsection 3 of article 503, instead of the penalty of seventeen years four months and one day of cadena temporal therein imposed, and thus modified the judgment and sentence of the trial court should be and are hereby affirmed, with the costs of this instance against the appellant.

Arellano, C. J., Torres, Johnson, and Moreland, 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.