

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. NICOLAS GUTIERREZ ET AL., DEFENDANTS AND APPELLANTS.

G.R. No. 4974. October 29, 1909

Ponente: MORELAND, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-4974/>

MORELAND, J.:

The defendants in this case, with others, were charged with the crime of robo en cuadrilla. They were tried in the Court of First Instance of the Province of Tarlac on the 28th day of October, 1907. They were found guilty of the crime charged and the defendant Nicolas Gutierrez was sentenced to the penalty of 12 years and 1 day of cadena temporal, and Leopoldo Lopez and Olimpio Pineda to the penalty of nine years of presidio mayor, each to suffer the accessories provided in articles 56 and 57, respectively, of the Penal Code, and all were sentenced to the return of the money taken from the municipal treasury of San Juan de Guimba, Nueva Ecija, or to indemnify the municipality in the sum of P4,739.13, deducting therefrom the sum of P40 which it appears was returned by Santiago Mariano and Leocadio Puno, and to the payment each of one-ninth of the costs of the action.

From this judgment of conviction and the sentence imposed thereunder the defendants appealed to this court. Later the defendant Olimpio Pineda withdrew his appeal and the judgment of the lower court is being executed as to him.

From the proofs it appears that on the 31st day of May, 1907, at about 8 o'clock in the evening, a large number of persons, armed with revolvers and bolos, invaded the pueblo of San Juan de Guimba, Province of Nueva Ecija, Philippine Islands, entered by force the municipal treasury and took therefrom the sum of P4,779.13 and other property of the value of P130. This property the persons mentioned took and carried away with them. Among these persons the appellants Nicolas Gutierrez and Leopoldo Lopez were recognized by several persons as participating in the robbery. There is no proof as to who was the chief of the gang.

A careful reading of the evidence in the case clearly demonstrates that there is absolutely no doubt of the guilt of the defendants, as established by the trial court.

Article 504 of the Penal Code provides that where the robbery is committed by a gang the maximum degree of the penalty prescribed by subdivision 5, article 503 of said code, shall be imposed. The penalty therein provided is that of presidio correccional to presidio mayor in its medium degree. The maximum penalty, therefore, is from six years ten months and one day to ten years. There being present the aggravating circumstance of nocturnity, the penalty should have been imposed in its maximum degree i. e., between six years ten months and one day and ten years. It has been the uniform practice of this court in cases of this character, where there is present an aggravating circumstance, to impose the maximum of the maximum, or ten years. The court below, having imposed upon Nicolas Gutierrez a penalty of twelve years and one day of cadena temporal, committed an error as clearly appears from what has been said above. Also there should have been imposed upon Leopoldo Lopez the penalty of ten years of presidio mayor. There appears no reason in the record why the defendants should not receive the same sentence.

The judgment of the lower court as to Nicolas Gutierrez is, therefore, reversed, and he is hereby sentenced to the penalty of ten years of presidio mayor, to the accessories mentioned in article 57 of the Penal Code; and the judgment of the court below as to Leopoldo Lopez is modified and he is hereby sentenced to the term of ten years of presidio mayor, with the accessories mentioned in article 57 of the Penal Code; and both of said defendants are hereby required to return the money taken from the treasury of San Juan de Guimba, Nueva Ecija, Philippine Islands, and, on failure to do so, they shall indemnify the said municipality in the sum of P4,739.13, and pay the costs of this appeal. So ordered.

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