

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. MONICO ALMENCION, DEFENDANT AND APPELLANT.

G.R. No. 7026. February 12, 1913

Ponente: ARELLANO, C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-7026/>

ARELLANO, C.J.:

The charge in this case is that Monico Almencion substituted Fortunato Canete's name for Lucio Canete's on the latter's personal cedula for the year 1909, for the purpose of simulating that Fortunato Cafiete had bought his cedula for that year and was qualified to obtain one for 1910 without penalty, as he did, from the municipal treasurer of Mandaue, Cebu. His object was to keep P2 of the P4 Fortunato Cafiete had given him, thus paying into the treasury only P2 for the 1910 cedula by simulating that Fortunato had already bought one for 1909, which simulation the treasurer of Mandaue discovered on demanding said cedula for 1909, wherein he necessarily observed the falsification committed by the defendant. These facts are proven.

The Court of First Instance of Cebu sentenced him to imprisonment for one year, to pay a fine of P2,000, and the costs, under section 55 of Act No. 1189 of the Philippine Commission. On appeal here we find the judgment strictly in accordance with the law and the merits of the case.

But the excessiveness of the penalty is startling; nothing less than P2,000 fine and a year's imprisonment, which must be imposed under said Act.

On February 1 of the year 1912, Act No. 2126 was promulgated, imposing for this crime of falsification of cedula the penalty of not less than P200 nor more than P5,000 fine or imprisonment for not less than two months nor more than five years, or both, in the discretion of the court.

The crime at bar was committed on June 2, 1910, before Act No. 2126 was in force, and the question now raised is whether it can be applied, inasmuch as it is in force at the time this appeal is under consideration.

It is undoubtedly the law most favorable to the accused, and article 22 of the Penal Code provides:

"Penal laws shall have a retroactive effect in so far as they favor the person guilty of a felony or misdemeanor, although at the time of the publication of such laws a final sentence has been pronounced and the convict is serving the same."

If, then, Act No. 2126 is favorable to the defendant in this case, its penalty must be applied instead of that fixed by Act No. 1189, which unquestionably stands repealed for all the crimes it deals with after the promulgation of the later Act.

Doubt has arisen from the fact that said article 22 is a provision of the Penal Code, and it is provided in article 7 of the same code that "offenses punishable under special laws are not subject to the provisions of this code," wherefore the crime at bar, being penalized by special laws, for both the later Act (No. 2126) and the earlier one (No. 1189) are such, is not subject to article 22 of the Penal Code, and therefore its provisions cannot be applied to the present case.

In the criminal case of United States vs. Parrone (24 Phil. Rep., 29) for the same offense, this question was discussed at length and decided to the effect that article 22 of the Penal Code is applicable, the principle being laid down that Act No. 2126 is retroactive and embraces the crimes committed prior to its promulgation. Said principle is herein reiterated.

Therefore the judgment appealed from is affirmed, with the modification that the defendant is sentenced to two months imprisonment and a fine of P200, with the costs of this instance.

Torres, Mapa, and Johnson, JJ. concur.

TRENT, J., concurring:

In my opinion, Act No. 1189, with its amendments, is not a special law, and as article 22 of the Penal Code is one of the principal articles of the same, it is perfectly applicable to the present case. For these reasons-1 concur with the dispositive part of the decision.

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.