

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. JUAN MORADA ET AL., DEFENDANTS. GIL REVILLA AND ISIDRO BABANO, APPELLANTS.*G.R. No. 8138. November 19, 1912*

Ponente: ARELLANO, C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-8138/>**ARELLANO, C.J.:**

The subject matter of this case is robbery in a dwelling with force upon things, but without violence against persons. The force consisted in break down the wall of the kitchen so that one of the malefactors could get into the shop while the others were outside. It was Juan Morada who entered the shop to get, as he did, coin amounting to P20 and various articles such as cans of salmon and sardines, rice, penknives, a razor and comb, all together worth P31.80 and not recovered, excepting some worth P1.17. The owner of the shop, the Chinese Iyong, awoke and caught up a stick, but as he did so some things fell and made a noise, so Morada fl The Chinese called to his aid Estanislao Cabiguin, but the latter was a watching what, was happening and succeeded in seeing Morada and the other defendants, the former in the act of robbery and all afterwards fleeing. They all carried sticks. This took place in the early morning December 24, 1911.

The next day a penknife, a can of sardines, and another of salmon were found in the possession of Librado Sugcay, who voluntarily confessed to municipal police sergeant of Mambajao, the scene of the occurrence, and through him the other defendants were soon discovered.

Evidence of alibi having been rejected and proof of conviction being well established, the Court of First Instance of Misamis classified the simple robbery, but found against all the defendants the generic aggravating circumstances of nocturnity and a gang, and moreover against Juan Morada, Isidoro Babano, and Librado Sugcay that of previous conviction, and against Gil Revilla that of vagrancy, sentencing the firs to seven years of presidio mayor, and the latter to six years one day of the same penalty and all four to the accessories of article 5 restitution of the articles not recovered or indemnity for their value payment of a proportional part of the costs.

Isidoro Babano and Gil Revilla appealed from this judgment, while Morada and Sugcay submitted to it. Later, Babano withdrew his appeal to this court.

With reference to the facts, no error is alleged that can alter the conclusion the trial court.

As for the law, the present appeal is only maintained by Gil Revilla, has been sentenced to six years and one day of presidio mayor, as of robbery with force upon things penalized in paragraph 3 of article of the Penal Code. This paragraph 3 provides that when the malefactors are armed, but the value of the things stolen does not exceed 1,250 pesetas, as in the present case, there shall be imposed the penalty lower than that imposed in paragraph 1, which is presidio mayor medium degree to cadena temporal in its minimum degree. Presidio correctional in its medium degree being next lower than presidio mayor in its minimum degree, according to rule 4 of article 75, it appears that court imposed the penalty in its maximum degree, because of the twenty third and fifteenth aggravating circumstances that is, because the par convicted was a vagabond and had committed the crime at

night and in a gang, holding this last circumstance to be merely a generic aggravating one.

It did not think applicable article 509 which penalizes qualified robbery because, according to its interpretation, the robbery is qualified when committed in an uninhabited place and in a gang, these two qualifications concurring, which does not happen in the present case, for it does not appear that the house wherein the robbery was perpetrated was located in an uninhabited place.

It is true that, under the Penal Code of the Philippines, robbery with upon things, in order to be qualified, must be committed in an uninhabited place and in a gang; while robbery with violence against persons m committed in an uninhabited place or in a gang. The Penal Code Spain says for both cases: "In an uninhabited place and in a gang." The generic aggravating circumstance is expressed in the same way: "To commit the crime at night or in an uninhabited place and in a gang," but not so the Philippine Code, which says: "To commit it at night or in an uninhabited place or in a gang." But notwithstanding that wording of the Penal Code Spain, in a judgment of November 6, 1880, the supreme court laid down the principle that if the acts of committing the crime by night or in an uninhabited place and in a gang constitute aggravating circumstance cannot be doubted that the three phrases which this clause grammatical contains refer to three different cases with the same legal force, to wit either the nighttime or an uninhabited place or a gang was selected for committing the crime. It is quite unreasonable that in robbery with force things it be necessary, in order to be qualified, that it be committed in uninhabited place and in a gang together, and that for robbery with violence against persons it be sufficient that it be committed in an uninhabited place or in a gang separately.

In the present case this interpretation tending to establish a precedent practically of no importance, on the supposition that article 509 provides that the penalty should be imposed in its maximum degree for qualified robbery, since the maximum degree (six years and one day) has been imposed upon the appellant Gil Revilla, although as guilty of simple robbery with three aggravating circumstances nocturnity, gang, and vagrancy.

What this court thinks improper is that he be punished, according to the opinion of the prosecution in this instance, with ten years of presidio mayor under No. 5 of article 503, in connection with articles 504 and 505 because it is evidently not a question of robbery with violence against persons to which No. 5 of article 503 refers.

The judgment appealed from is affirmed, with the costs of this instance against the appellant Gil Revilla, except the proportional part of the c corresponding to Isidoro A. Babano, according to the provision of this of September 12, 1912.

Torres, Mapa, Johnson, Carson, Moreland, and Trent, 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.