

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. DEOGRACIAS PANES, DEFENDANT AND APPELLANT.

G.R. No. 8469. September 12, 1913

Ponente: JOHNSON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-8469/>

JOHNSON, J.:

This defendant was charged with the crime of entering the dwelling house of another against the latter's consent. The complaint alleged:

"That at or about midnight of September 18, 1912, in the municipality of Passi, Province of Iloilo, Philippine Islands, the accused did willfully, unlawfully, and criminally enter the dwelling house of Inocencia Guillan without her knowledge or consent and against her will, not in order to avoid serious injury to himself, the inmates, "or a third person, nor in order to render some service to humanity or to justice; and once inside said house, the said accused did with a stick in his hand awaken and threaten the inmates thereof, who were asleep, thereby producing a serious scene and fright among the inmates, who at the time were all women; a deed committed in violation of law."

After hearing the evidence, the Honorable James S. Powell, judge, found the defendant guilty of the crime charged in the complaint and sentenced him to be imprisoned for a period of three months of arresto mayor, to pay a fine of 500 pesetas, with subsidiary imprisonment in case of insolvency, with the accessory penalties provided for by law, and to pay the costs. From that sentence the defendant appealed and in this court makes the following assignments of error:

"1. The court erred in including in its findings the fact that the herein accused entered Inocencia Guillan's house without her consent.

"2. The lower court erred in finding the herein defendant-appellant guilty of the crime charged."

These two assignments of error, we think, may well be considered together. They present the question whether or not, under the facts adduced during the trial of the cause, the defendant is guilty of the crime charged in the complaint.

The offense with which the defendant is charged falls under article 491 of the Penal Code. Said article provides a punishment for any private person who shall enter the dwelling house of another against the latter's will. In order that the alleged offense shall fall under said article, the offender must (a) be a private person; (b) enter the house of another; and (c) enter the house of another against the latter's will. In the present case the defendant was a private person and it is admitted that he entered the house of another. The only question that remains is did he enter the house of another against the other's will. An examination of the evidence adduced during the trial of the cause discloses:

That on the night of the 18th day of September, 1912, at about 9 o'clock, Inocencia Guillan and her son were in their house alone; her husband being absent; that at about 9 o'clock she closed the door leading into her house and with her son went into her room and retired for the night; that soon thereafter she was awakened by the calls of

her sister and the voice of the defendant, who was then and there in her house, making inquiries for one Maria; that a conversation immediately ensued between the defendant, Inocencia Guillan, and her sister about the said Maria, which conversation soon resulted in a quarrel, during which the defendant struck the sister of Inocencia with a stick or cane. Evidently much more occurred in the house at that particular time than has been put in the record, for the reason that it appears that because of what had occurred in the house two policemen appeared upon the scene, as well as many of the neighbors. From what is said by the parties interested, in their declarations, there seems to have been no reason for arousing the attention of the police nor the curiosity of the neighbors. However, without reference to said quarrel and the things which occurred which attracted the attention of the police and the curiosity of the neighbors, we believe that the following facts were proved beyond a reasonable doubt:

- That on the night of the 18th day of September, 1912, Inocencia Guillan closed the door leading into her house at about 9 o'clock p. m. and with her young son retired to her room and her bed for the night; that her husband was not at home at that time; that she closed the door for fear that some one might enter her house.
- That the defendant, after the door had been closed in the manner and for the reasons stated, without the knowledge or consent of the owner, entered the house of Inocencia druillan.

The question remaining is: Did the defendant enter said house against the will of the owner?

In the case of United States vs. Villanueva (18 Phil. Rep., 215), this court said that: "It is a well-settled general rule that whoever enters, the dwelling of another at a late hour of night, after the inmates have retired and closed their doors, does so against their will and in violation of the provisions of article 491 of the Penal Code. Under these circumstances, an express prohibition is not necessary, as such prohibition is presumed."

In view of the facts established by the record and of the jurisprudence heretofore announced by this court, we are forced to the conclusion that the defendant is guilty of the crime charged and that the sentence of the lower court should be affirmed, with costs. So ordered.

Arellano, C. J., Torres, Mapa, and Moreland, JJ., concur.

CARSON, J., dissenting:

I dissent. I do not think that the evidence sustains a finding that the house was closed for the night, and that the inmates had retired. It would seem that the door was not locked, and that although some of the inmates had retired there were others who had not yet done so.

TRENT, J., dissents.

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.