

1 Phil. 341

[G.R. No. 257. August 29, 1902]

**THE UNITED STATES, COMPLAINANT AND APPELLANT, VS. LINO REYES,
DEFENDANT AND APPELLEE.**

D E C I S I O N

TORRES, J.:

Appeal by the private prosecutor, Flaviano Abreu, against the judgment of the 20th of July, 1896, rendered in case No. 52 of the Court of Bulacan, for falsification and *estafa*, by which the defendant was acquitted, with costs *de officio*.

By an order of the 7th of April, 1891, entered in a civil suit, it was directed, among other things, that certain lands situated at Panducot and Mayto be delivered to Flaviano Abreu and his wife, Saturnina Salazar, together with the fruits received or which might have been received from 1885 up to the date of delivery, without prejudice to the rights of ownership or possession which the heirs of the late Regina Estrella might believe to exist in their favor with respect to said lands, and which they might exercise in the corresponding civil actions against such persons as they see fit to sue, without express condemnation as to payment of costs and other matters therein expressed.

This order was affirmed by the civil branch of the audiencia on the 17th day of April, 1893, and in consequence the said Abreu and Zalazar were put in possession of the said lands on June 16, 1893.

On the 1st day of May, 1893, Lino Reyes presented a petition, which was accepted, by which he sought to obtain recognition by the state of his title to a certain parcel of land situated at a place called Mayto, of the town of Calumpit, with the view to obtaining a deed to the said lands. As soon as he obtained this deed it was recorded in the office of the Registrar of Property, and then, at his instance, the Court of First Instance directed that he be put in possession of the said lands. However, in view of the opposition made by Flaviano Abreu to

the possession which Reyes sought to obtain, the proceeding was declared contentious by a subsequent order of the court dated the 16th of June, 1894.

The record shows that on the 16th of June, 1893, the judge of First Instance of Bulacan, with his assistants, a surveyor and a representative of Flaviano Abreu and his wife, went to the places called Nagdasic and Panducot, and that the said representative was put in possession of certain lauds in each one of the two places mentioned, of which lands the boundaries and superficial area were separately recited in the minutes of those proceedings.

With these antecedents, counsel for the complaining witness accused Lino Reyes of having committed the crimes of estafa and falsification, alleging that he, pretending to be the owner of the land situated at the place called Panducot, of the town of Calumpit, of the value of more than 5,000 pesos, and by means of a proceeding in voluntary jurisdiction, obtained from the Court of First Instance the possession of said land on the 16th of June, 1894, to the prejudice of the Abreus, who had been in possession thereof since June 16, 1893, and that he, to that end, made use of fraud and deceit, and that upon the true facts being known to the court, and in view of the opposition of the possessors, the Abreus, by order of the 16th of June, 1894, above mentioned, the proceedings were declared contentious, and that consequently the said Reyes was liable to suffer the penalties prescribed by article 537 of the Penal Code.

It was further alleged that the crime of falsification was committed because said Lino Reyes made a false statement of facts in his petition prepared for the purpose of obtaining a title from the State to the said lands, and by deceit obtained a title deed to the same, and that subsequently, by means of this title deed, he obtained judicial possession of the said lands, and that consequently he was subject to the penalties prescribed by articles 301 and 302, in connection with article 300 of the Penal Code.

The case having come on for trial, the defendant in his testimony alleged that by composition with the State he had obtained a title deed to a piece of land situated at a place called Mayto; that he had solicited this composition in May, 1893, and that, by virtue of the deed issued, he was judicially given possession of the said lands, and further stated that, before seeking to obtain the said title, he was already in possession of the land as guardian of his children, who had inherited the same in 1890 from their deceased grandmother, Regina Estrella.

From the facts related it does not appear that the crimes of estafa and falsification charged

have been committed.

The mere fact that the defendant, Reyes, solicited composition with the State concerning certain lands which he alleges to have been in his possession for more than twenty years under title derived by inheritance, and the fact that he obtained a deed to the said lands, there having been no opposition on the part of any third person with a better right, after compliance with the other legal requirements, are not those which constitute the crime defined and punished by article 537 of the Code, because there was no deceit employed, *lucri causa*, to the prejudice of a third party. Nor has Reyes, under a simulated claim of ownership, sold, leased, or encumbered the said lands, and thereby violated the articles of the Penal Code cited.

Apart from the fact that it does not appear with sufficient clearness whether the Mayto lands are or are not the same lands situated at Panducot and Nagdasig, as this fact does not appear to have been determined in the proceeding of ocular inspection (folio 167); and in view of the fact that the complaining witness, Flaviano Abreu, opposed the judicial possession which the defendant, Reyes, sought to obtain of the land situated at Mayto, it is evident that the real question at issue is the validity or nullity of the deed obtained by Reyes, and the real question in controversy is the ownership of certain lands, which, furthermore, do not appear to have been sufficiently identified.

With respect to the falsification also charged in this case, it does not appear from the record that the defendant when he affirmed in writing that he had been in possession of the Mayto lands for twenty years in representation of his minor children, who inherited the same from their grandmother, Regina Estrella, maliciously perverted the truth with the wrongful intention of injuring the complaining witness; and with respect to the deed given the accused by the Government, the same is an official document which, on its face, complies with all the requisites established by the administrative laws and is guaranteed by the State. Its validity and legal efficacy are unquestionable.

The charges of *estafa* and falsification made in this case are deficient in that they take the issue itself for granted. The evidence does not disclose any false statement of fact nor the simulation of any title.

Upon these considerations, therefore, and because the facts charged do not constitute the crimes of *estafa* and falsification, there being no indication that such crimes have been committed, we are of opinion that the judgment of acquittal of the court below should be

affirmed, with the costs of this instance de oficio, and that the judge should dissolve the attachment levied upon the property of the defendant, Lino Reyes. So ordered.

Arellano, C.J., Cooper, Willard, and Ladd, JJ., concur.

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