

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. LEON AQUINO, DEFENDANT AND APPELLANT.

G.R. No. L-6063. April 26, 1954

Ponente: REYES, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/7634f75a427e/>

REYES, J.:

The accused Leon Aquino was charged in the Court of First Instance of Pangasinan with malversation of public funds for having on or about July 16, 1951, misappropriated public funds amounting to P20,944.27 entrusted to his care in his capacity as municipal treasurer and postmaster of Mabini, Pangasinan, and "ex-officio in-charge of the properties and funds of the National Rice and Corn Corporation (NARIC)." Pleading guilty to the charge, the accused was, in accordance with article 217, paragraph 4, of the Revised Penal Code and the Indeterminate Sentence Law, sentenced as follows:

"(a) In accordance with the Indeterminate Sentence Law and article 217, paragraph 4 of the Revised Penal Code, and taking into account his plea of guilty, to suffer a penalty of Eight years and one day of prision mayor as a minimum, and twelve years and one day of 'reclusion temporal' as a maximum;

"(b) To suffer the penalty of perpetual special disqualification;

"(c) To pay a fine of P10,472.13, without subsidiary imprisonment because of the principal penalty imposed;

"(d) To indemnify the National Rice and Corn Corporation in the amount of P12,656.83;

"(e) To indemnify the Government of the Republic of the Philippines in the amount of P2,910.44;

"(f) To indemnify the Bureau of Posts or the Government of the Republic of the Philippines in the further amount of P5,377;

"(g) To pay the costs of this case."

From this sentence the accused has appealed, and his attorney in this instance contends that the lower court should have applied paragraph 3 instead of paragraph 4 of the article mentioned. In support of this contention attention is invited to the fact disclosed in the information that P12,656.83 of the funds malversed belonged to the NARIC, and, on the theory that NARIC funds are not public funds because the NARIC is a corporation separate and distinct from the Government, counsel argues that with respect to that sum the accused cannot be held guilty of malversation of public funds. With that sum excluded, the amount of public funds malversed, so counsel contends, would only be P8,287.44 and would come under paragraph 3 of the article in question, which provides for a penalty higher than that prescribed in paragraph 4.

The contention is without merit. Even supposing that funds belonging to the NARIC are not public funds, they become impressed with that character when they are entrusted to a public officer for his official custody (*People vs. De la Serna*, 40 Off. Gaz. [Supp. 12] 159). Thus this Court has held that Red Cross, Anti-Tuberculosis, and Boy Scouts funds delivered to an assistant cashier of a provincial treasurer for his custody acquire the attributes of

public funds (People vs. Velasquez, 72 Phil., 98).

We find the sentence appealed from in accordance with law. We, therefore, confirm it with costs against the appellant.

Paras, C. J., Pablo, Bengzon, Jugo, Bautista Angelo, Labrador, and Concepcion, 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.