

## THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ROGELIA DE OCAMPO Y PADILLA, DEFENDANT-APPELLANT.

*G.R. No. L-24109. August 10, 1967*

Ponente: BENGZON, J.P., J.

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### **BENGZON, J.P., J.:**

Republic Act No. 427, effective May 22, 1950, pena-lizes - with some exceptions - the possession of silver and/or nickel coins in an aggregate amount exceeding fifty pesos. This is a prosecution for violation of this special law.

On September 15, 1964, at eight in the evening, Rogelia de Ocampo, alias Rita Aguirre, was aboard the boat M/B Mariquita, at Balamacan pier, Mogpog, Marinduque, about to leave for Lucena, Quezon. She had in her possession a buri bag and a rattan basket. A Philippine Constabulary patrol, then on the lookout for smuggling, asked to search her aforesaid belongings, which she allowed. Inside them, they found three bags of coins.

Rogelia de Ocampo was taken to the PC headquarters. An inventory of the coins was taken; the total amount was P1,120.00 consisting of 50¢, 20¢, 10¢ and 1¢ denominations.

The PC filed on September 16, 1964 a complaint against Rogelia de Ocampo for said incident. On the same day, she accomplished an affidavit before the Deputy Clerk of Court relating inter alia the aforesaid facts (Exhibit A).

A corresponding information was filed on September 22, 1964 in the Court of First instance of Marinduque. Rogelia de Ocampo pleaded not guilty and stood trial. On December 29, 1964, the Court of First Instance rendered a decision of conviction, sentencing her to serve one year imprisonment and to pay a fine of P5,000.00, plus costs and confiscation of the amount of coins held in excess of fifty pesos. Defendant appealed to raise a point of statutory interpretation.

Appellant's view is that the law punishes the accumulation of silver and/or nickel coins in excess of fifty pesos; that a period of seven days is given by said law within which to turn over to any bank, treasury or post office, and exchange for notes, an excess in coins above fifty pesos. She claims, therefore, that her possession of such coins in the total amount of P1,120.00, not having been alleged or shown to be for more than seven days, is not an offense under the statute.

The relevant provisions of the law state:

"SECTION 1. It shall be the duty of every person, partnership, association or corporation, having in its possession silver and/or nickel coins of the Philippine currency in an aggregate amount of more than fifty pesos, to turn over any excess over said amount to any bank, treasury or post office in the Philippines in exchange for notes of legal circulation, within seven days from the passage of this Act. At the end of the seven days, as hereinabove provided, every person conducting business, partnership, association or corporation and every seven days thereafter shall record in a cash book or memorandum an inventory of the total amount of coins by denominations that it has in its possession, and this record and all cash and cash receptacles kept by such person, partnership, association or corporation shall be open to inspection and verification by the Secretary of Finance or his duly authorized representatives.

"SEC. 2. After the period of seven days provided in the preceding section, it shall be unlawful for any person, partnership, association or corporation to hold, possess or keep silver and/or nickel coins in an aggregate amount exceeding fifty pesos. The possession of such an excess amount shall be punishable with a fine of five thousand pesos and imprisonment of one year, and the confiscation of the amount held in excess of fifty pesos: Provided, That if the person found guilty of violation of this section be a foreigner, the sentence shall also include an order for his deportation immediately after service of his term of imprisonment, principal as well as subsidiary."

Appellant cannot successfully claim to fall under "persons conducting business" as to whom the law allegedly grants a period of seven days, even after the original seven-day period following the passage of the Act, within which to turn in and exchange for notes, silver and/or nickel coins in excess of fifty pesos. Appellant was not engaged in business, as an incident of which she possessed the coins in question. She kept no record of inventory of coins every seven days as required by law of persons conducting business. Rather, in Exhibit A she admitted that she engaged in buying and selling of coins; that the coins she had when she was apprehended were intended by her to be sold to someone in Lucena; that she would gain some percentage thereby; that someone in turn uses the coins for purchases in Hong Kong where the coins are rated at a greater ratio than notes; that she derived these coins from agents of her own who purchase coins and turn them over to her for a percentage; and that she had previously consummated similar transactions four times before, involving a total of P900.00.

All the foregoing shows Rogelia de Ocampo's possession of the P1,120.00 in silver and/or nickel coins involved herein, to be punishable under the law. The practice she engaged in of purchasing and selling, for a percentage, silver and/or nickel coins, constitutes an evil intended to be curbed by the law, for the same would result in the withdrawal of said coins from circulation, by systematic, deliberate and excessive accumulation thereof, resulting in adverse effects on the economy.

WHEREFORE, the judgment appealed from is hereby affirmed, without costs in this instance.

**SO ORDERED.**

Reyes, J.B.L., Makalintal, Zaldivar, Sanchez, Castro, Angeles, and Fernando, JJ., concur.  
Concepcion, C.J., and Dizon, J., are on official leave.

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