

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS.  
NICASIO BARRAQUIA, DEFENDANT AND APPELLANT.***CA-No. 50. April 13, 1946*

Ponente: PERFECTO, J.

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Appellant is accused of illegal possession and use of a false bank note of ten-peso denomination. The lower court found him guilty and, appreciating in his favor the mitigating circumstance of lack of instruction, he being illiterate, sentenced him to suffer one year of prision correccional, to pay a fine of P50, with the corresponding subsidiary imprisonment in case of insolvency, to suffer the accessory penalties of the law, and to pay the costs.

On March 21, 1941, at about 3:50 p.m. appellant went to the post office of Calamba, Laguna, for the purpose of changing a ten-peso bank note, Exhibit A. The postmaster told the accused that the note was false and placed it near the window, and thereupon sent for a policeman to arrest the accused. The accused waited for the policeman to arrive at the post office. He admitted to the policeman that the note was his, and the policeman took him to the municipal building where he was investigated by the chief of police. At the investigation, accused explained that the bank note was passed to him in a game of cara y cruz in the barrio of Mamatid, Cabuyao, Laguna, the night previous.

Three witnesses testified for the prosecution.

1. Vicente C. Reventar, cashier of the provincial treasury of Laguna, testified that : he had experience in handling bank notes of ten-peso denomination; he can distinguish a counterfeit from a genuine one; in his opinion, Exhibit A is a counterfeit because the printing is somewhat blurred and the paper is very oily. (T.s.n., pp. 1, 2.)
2. Maximo Pascasio testified that: he is the postmaster of Calamba; on March 21, 1941, accused went to his office to change a bank note of ten-peso denomination; he did not change it because he saw that it was not genuine; he ordered that a policeman be called; accused admitted to the policeman that he is the owner of the bank note, and the policeman brought him for investigation to the municipal building; the policeman arrived after seven minutes; when he told accused that the bank note was a counterfeit, the accused kept silent; accused had occasion to go away before the arrival of the policeman, but he preferred to remain; accused followed the policeman to the municipal building without offering any resistance. (T.s.n., pp. 3 to 5.)
3. Jose M. Elefaño testified that: he is the chief of police of Calamba; he investigated the accused who told him that he received the bank note in a game of cara y cruz in the barrio of Mamatid, Cabuyao, the night before; accused could not identify the persons with whom he played the game, many persons took part in the game, but the witness did not make any investigation because it took place in Mamatid, within the municipal jurisdiction of Cabuyao. (T.s.n., pp. 6 to 8.)

Upon his own testimony accused appears to be an illiterate laborer, who does not know how to read or write. He testified that he happened to know that the bill in question was a counterfeit only when the postmaster of Calamba

informed him so, but for himself he cannot distinguish a counterfeit note from a genuine one; and that if he had known that Exhibit A was a counterfeit, he would not have gone to the post office of Calamba to have it changed.

Upon the evidence in this case, we cannot find enough ground to declare appellant guilty of the crime charged in the information. The only evidence presented by the prosecution to the effect that the bank note in question was a counterfeit is the testimony of cashier Vicente C. Reventar of the provincial treasury of Laguna who stated that the printing of the bill is somewhat blurred and the paper is very oily. We do not believe that these two circumstances may be considered as enough basis for declaring the bill in question as falsified. The fact that the printing is somewhat blurred may be attributed to the overuse of an old printed matter. That the bank bill is oily is not an evidence of counterfeit bill, because any bank note may become oily by impregnation with an oily liquid. According to the decision of the lower court, the bill Exhibit A bears No. D462691D. No evidence has been presented that this number does not check with the genuine one issued with the same number. There is no evidence as to the kind of bank note Exhibit A was, and we are not in a position to determine what it was or to determine that the two circumstances mentioned by witness Reventar may really be considered evidence of falsification, because Exhibit A has disappeared and could not be submitted to us for our examination.

The facts brought out in this case do not prove conclusively either that the lost Exhibit A is a counterfeited bank note or that, if it really is, appellant had knowledge of the fact before the postmaster of Calamba called a policeman to put him under custody.

For all the foregoing, the appellant is acquitted of the crime charged in the information, with costs de oficio.

Ozaeta, De Joya, Hilado, and Bengzon, JJ., concur.

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