

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. FELIX MANANSALA, ACCUSED-APPELLANT.*G.R. No. L-13142. January 30, 1959*

Ponente: REYES, J.B.L., J.

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Convicted of falsification of an official document, and sentenced by the Court of First Instance of Manila to not less than one (1) year and one (1) day and not more than three (3) years, six (6) months and twenty one (21) days of prision correccional, plus a fine of P100.00, with subsidiary imprisonment in case of insolvency, to undergo the accessory penalties prescribed by law and payment of costs, Felix Manansala y Lopez resorted to the Court of Appeals. Finding that the issues raised in his appeal were all points of law, the Court of Appeals certified the case to this Supreme Court.

The facts of the case are not disputed. On August 13, 1954, accused-appellant was driving TPU jeepney No. 3873, along P. Paterno Street, Quiapo, Manila, when he was apprehended by Corporal Vicente del Rosario of the Manila Police Department (hereinafter referred to as MPD) for driving his cab (jeepney) outside of his authorized line (route). Required to present his driver's license, accused showed to Corporal del Rosario the duplicate copy of Traffic Violation Report (hereinafter referred to as TVR) No. 277957 (Exh. A, p. 45, Records), previously issued to said accused as a temporary driver's permit, by MPD patrolman P. Purificacion, on account of the accused's third traffic violation. Noticing that the TVR had been altered, Corporal del Rosario brought accused to the Records Section, MPD, for further investigation. The alterations were found to consist in erasing or obliterating the originally written figure "III" and the word "three" after the words "pending cases" and by writing and superimposing thereon number "I" and the word "one". The alterations thus made changed the meaning of the said official document, because by said alterations, it was made to appear in said duplicate TVR that accused had only one pending case of traffic violation instead of three, as originally written on said document.

At the investigation, the accused admitted having made the alterations in question, in order to hide his previous pending traffic violation cases and thereby avoid immediate arrest should he be caught committing a fourth traffic violation. This investigation was reduced to writing, duly signed by accused and presented in evidence as Exhibit C for the prosecution (Record, p.46).

At the hearing, however, the accused denied having admitted responsibility for such alterations, claiming that he did not know the contents of the confession Exhibit C, but only signed the same in order that he may be released and allowed to go home, and that the interrogations and the reading of its contents were done in English which he did not understand.

After trial, the court below rendered judgment finding accused guilty of the crime of falsification of official or public document mainly on the proposition that "the only person who could have made the erasures and the super impositions mentioned is the one who will be benefited by the alterations thus made" and that "he alone could have the motive for making such alterations." (Decision, 53, 55, Records) Accused is now questioning this

holding, claiming in this appeal that:

THE LOWER COURT ERRED IN SUSTAINING THE THEORY OF THE PROSECUTION THAT BEING POSSESSOR OF THE FALSIFIED TVR, THE ACCUSED IS PRESUMED TO BE THE AUTHOR OF THE FALSIFICATION.

There is no sufficient reason to reverse the decision of the trial court. The falsified TVR in question was issued to the accused and the records show that he had it in his possession and if had been using it as a temporary driver's permit from its issuance to the time he was caught by Corporal del Rosario committing a fourth traffic violation. Required to explain the falsification therein, he could not do so. It is an established rule that when a person has in his possession a falsified document and makes use of the same, the presumption or inference is justified that such person is the forger. (See *U. S. vs. Vilorio*, 1 Phil. 682; *People* The circumstances, therefore, that accused made use of and benefited from the falsified TVR is a strong evidence that he either himself falsified it or caused the same to be falsified (*U. S. vs. Castillo*, 6 Phil. 449), he being criminally responsible in either case.

Besides, accused had a sufficient and strong motive to commit the falsification. The policy and practice of the MPD was proved to be to arrest a driver who commits a fourth traffic violation instead of merely issuing to him a TVR, as is usually done for the first, second and third violations. Hence, the appellant had the strongest temptation to erase the three violations in the TVR in question and make it appear thereon that he only had committed one violation in order to escape arrest in case of a fourth traffic infraction.

The decision of the trial court is further supported by the extra-judicial confession, Exhibit C, which the accused tried to repudiate at the trial on the ground that he did not understand the statements contained therein, as he does not know English. Accused betrayed himself, however, when he showed that he could read and understand English by being able to locate in Exhibit C the correct answers to questions propounded to him by the prosecution in the course of his cross-examination, (t.s.n. pp. 21-22), Being corroborated by the corpus delicti which is the fact of the commission of the alterations in the TVR in question, the extra-judicial confession, Exhibit C, is sufficient to sustain his conviction. (Sec. 96, Rule 123, Rules of Court)

Appellant argues that he should not be convicted on a presumption. Appellant's exclusive possession, opportunity and motive to falsify the TVR in question constitute circumstantial evidence justifying the inference (sometimes loosely referred to as a presumption of fact) that the forger was appellant herein, in the absence of adequate explanation. And this inference is confirmed not only by his extra-judicial confession, but also by his inane and uncorroborated explanation that the alterations were made by a seven-year old boy who allegedly frequented appellant's house.

The decision appealed from is affirmed in toto, the same being in accordance with law and the evidence. The appeal being clearly frivolous, appellant, or in case of insolvency, his counsel de parte, will pay triple costs in this instance. So Ordered.

Paras, C.J., Bengzon, Montemayor, Reyes, A., Bautista Angelo, Labrador, Concepcion, and Endencia, JJ., concur.

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