

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. ANDRES MANLUCO ET AL., DEFENDANTS. ANDRES MANLUCO, APPELANT.

G.R. No. 10005. November 09, 1914

Ponente: MORELAND, J.

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MORELAND, J.:

This is an appeal from a judgment of the Court of First Instance of the Province of Bataan convicting the accused of the crime of robbery and sentencing him to three years eight months and one day of presidio correccional, to the accessories provided by law, to the restitution of the timber stolen or its value, with subsidiary imprisonment in case of insolvency, and to pay half the costs.

The information charges: "That on or about the 16th day of October, 1913, in the municipality of Hermosa, Province of Bataan, Philippine Islands, the accused [Ramon M. Velez and Andres Manluco], together with three other persons unknown, voluntarily, illegally, and criminally, with intent to gain, and employing force and intimidation, took, stole, carried away, and appropriated to their own use one piece of narra timber about 4 meters long and 60 centimeters thick, the property of Teodoro David, which timber was in the custody and under the control of Sabas Fonseca, an employee of said Teodoro David, the value of said stick of timber being P70."

It is claimed in this case that the timber in question belonged to Teodoro David and that the accused committed robbery in removing it from his possession. We find, however, from all the evidence in the case, that the accused has proved sufficient to deprive his act of criminality. He has shown that, at the time of taking the timber, he in good faith believed that he was the owner thereof and that he took it openly and avowedly under that claim. It is law as well as common sense that one who takes property openly and avowedly under claim of title preferred in good faith is not guilty of robbery or of larceny even though the claim of ownership is untenable.

Therefore, even if, in the case before us, the accused has not shown himself to be the owner of the timber in question, a question we do not decide, enough has been presented to demonstrate good faith in his claim of ownership and that the taking was open and avowed. This is sufficient to deprive the taking of all criminality even though it eventually transpires that Teodoro David and not the accused was the real owner.

So far, however, as the record shows, it would appear that the accused has established a better right to the timber than the prosecuting witness. It is not necessary in this case, however, as we have before intimated; to determine that the accused was actually the owner of the property. The demonstration of good faith and the other elements necessary to deprive his act of criminality afford us sufficient basis for the reversal of the judgment.

The judgment of conviction is reversed and the accused acquitted; costs de officio.

Arellano, C. J., Torres, Johnson, Carson, and Araullo, JJ., concur.

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