

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. ATANASIO CLARAVALL, ANTONIO RAYMUNDO AND COSME HERMOSO, DEFENDANTS AND APPELLANTS.

G.R. No. 10054. March 28, 1916

Ponente: JOHNSON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-10054/>

JOHNSON, J.:

On the 23d day of September, 1913, the prosecuting attorney of the Provinces of Cagayan and Isabela presented a complaint in the Court of First Instance of the Province of Isabela, in which the defendants were charged with the crime of robbery. The complaint alleged:

"That on or about one of the last days of the month of March, 1913, in the municipality of I lagan, Province of Isabela, P. I., the said Atanasio Claravall, Antonio Raymundo, Cosme Hermoso, and Roman Belo, did, willfully, unlawfully and criminally, after the first of the accused above-named had fractured and broken the latch of the closed and locked door of the room in which were kept the supplies and other property of the provincial government of Isabela, P. I., the three accused last above-named cooperating in the perpetration of the robbery by acts without which it would not have been performed, take possession of the following property of another's ownership, kept within the said store-room and valued at P479.72, with intent of unlawful gain and without the will of its owner, the provincial government of Isabela, or of that of the district engineer under whose control and care it was, which property is as follows:

3 axles. 9 plates, dinner, tin.

16 adzes. 7 rakes, road.

2 augers, large. 1 rake, extra heavy.

6 bowls, porcelain. 1 saw, rip.

13 buckets, G. I. 1 saw, set.

1 block, single, steel. 2 square tray.

2 blocks, single, wooden. 7 stones, scythe.

3 chisels, common. 2 spikes, hand.

4 chisels, hot. 4 tickins bamboo.

2 chisels, outer. 1 nail junning.

1 caliper, outside. 2 rachet bits, assorted.

1 caliper, inside. 3 bits, twist drill.

6 punches, b. s., square. 2 canteens, 1 Army I. U. S.

4 punches, b. s., round. 2 horses, drawing board.
1 punch b. s., center. 1 tape, metallic, 50 feet.
1 tape, steel, 30 meters. 10 bolts, $\frac{1}{2}$ by 4 $\frac{3}{4}$ inches.
21 bolts, 1 by 22 $\frac{3}{4}$ inches. 2 bolts, $\frac{1}{2}$ by 5 $\frac{1}{2}$ inches.
4 bolts, 1 by 15 $\frac{3}{4}$ inches. 7 bolts, $\frac{1}{2}$ by 5 $\frac{3}{4}$ inches.
6 bolts, $\frac{3}{4}$ by 16 inches. 198 washers, O. G., J by 3 inches.
2 bolts, $\frac{3}{4}$ by 9 $\frac{3}{4}$ inches.
8 cups, porcelain. 5 washers, O. G., $\frac{3}{4}$ by 3 inches.
3 crowbars.
1 drill, t. s., 1. C11 centimeters. 3 nutheads 1 inch.
5 nutheads $\frac{3}{4}$ inch.
1 drill, t. s., 1. 27 centimeters. 2 blocks, double steel.
3 window bars, braces.
1 wooden fork. 2 cans valvoline oil.
1 ferry traveler. 1 can varnish.
1 bardie shank 1.91 inch. 2 linseed oil.
2 hatchets, broad-plumb. 3 empty cans where paint is mixed.
3 lanterns dietz.
1 mast, wood. 1 shovel, round pointed.
2 bolts, $\frac{3}{4}$ by 10 $\frac{1}{2}$ inches. 1 shovel, square pointed.
2 bolts, $\frac{1}{2}$ by 8 inches. 1 pick.
1 bolt, $\frac{3}{4}$ by 20 $\frac{1}{2}$ inches. 1 iron ring.
1 bolt, $\frac{1}{2}$ by 20 $\frac{1}{2}$ inches. 2 steel bars $\frac{3}{4}$ by 15 inches.
10 bolts, $\frac{1}{2}$ by 9 $\frac{1}{2}$ inches. 40 kilos assorted nails.

"The acts above-mentioned were committed with violation of law."

Upon said complaint the defendants were duly arrested and brought before the court, and presented a demurrer alleging that the facts stated in the complaint did not constitute a cause of action. Upon consideration, the demurrer was overruled. The defendants were then duly arraigned and pleaded not guilty. The cause was set down for trial and many witnesses were examined, both for the prosecution and for the defense.

After hearing the evidence the court found that the evidence was insufficient to show that Roman Belo was guilty of the crime charged and dismissed the complaint against him and discharged him from the custody of the law, with one-fourth part of the costs de officio.

After hearing the evidence adduced during the trial of the cause with reference to the other defendants, the court a

quo found that the same showed, beyond a reasonable doubt, that the defendants, Atanasio Claravall, Antonio Raymundo, and Cosme Hermoso, were guilty of the crime charged and sentenced each of them to be imprisoned in the manner prescribed by law for a period of 8 years and 1 day, and each to pay one-fourth part of the costs. From that sentence they each appealed to this court.

Among the important assignments of error made by the appellants, it is alleged that the defendants and appellants are not guilty of the crime of robbery as charged in the complaint.

From an examination of the record, we find that the following facts are proved, beyond a reasonable doubt:

First. That sometime prior to the commencement of the present action, the defendant, Atanasio Claravall, had been the property clerk of the Bureau of Public Works, and that for reasons which the chief engineer believed to be detrimental to the service, he discharged him as such property clerk, but continued him as a clerk in his office.

Second. That at the time of the commission of the crime described in the complaint, the defendant, Antonio Raymundo, was constructing a building or camarin upon the property belonging to the said Claravall.

Third. That the defendant Cosme Hermoso was a servant of Antonio Raymundo and had charge of the cart and carabao belonging to him.

Fourth. That on the morning of the 27th of March, 1913, Marcelo Francisco, a former employee of the district engineer of the Province of Isabela, who was constructing a bridge some distance from the town of I lagan, went to the office of the district engineer for the purpose of obtaining or securing additional supplies, such as shovels, picks, rope, wheelbarrows, etc., to be used in the course of the construction of said bridge.

Fifth. That when Marcelo Francisco arrived at the office of the said engineer, there was no one present who had the keys of the building or bodega in which such supplies, together with others such as are mentioned in the complaint above, were located; that the chief engineer and the clerk in charge of the property were on a tour of inspection in the Province of Isabela.

Sixth. That Marcelo Francisco reported to Atanasio Claravall the fact that he was unable to enter the building or bodega for the purpose of securing supplies which he needed; that immediately the said Claravall secured a pick or piece of iron and proceeded to break open the door of the building or bodega in which the supplies were kept or deposited.

Seventh. That immediately after the door of the building or bodega had been broken open, as above described, by the defendant Claravall, Marcelo Francisco took therefrom the supplies which he needed and placed them upon two carts, drawn by two carabaos, and gave direction to have said supplies taken to the place where the bridge was in course of construction.

Eighth. That after Marcelo Francisco had obtained the supplies in the manner above indicated, he returned to his house a short distance away from the said bodega to secure his horse. Within one-half hour after he had obtained the supplies above mentioned he passed by said building or bodega again and there saw the cart and carabao of the defendant Antonio Raymundo, and the defendants ClaravaU and Hermoso loading said cart with materials which they had taken out of said house or bodega.

Ninth. Later, upon the return of the chief engineer and the property clerk, they discovered that a large amount of supplies had been removed from the house or bodega in which the government supplies had been stored; that an investigation was had and a search warrant was issued and the premises of Antonio Raymundo were searched and there was found on his premises much of the property which was identified as property which had been taken from the bodega and which belonged to the provincial government of the Province of Isabela.

From the foregoing facts it seems clear that Atanasio Claravall, Antonio Raymundo, and Cosme Hermoso took a direct part, and each assisted the other, in the removal of the effects from the building or bodega belonging to the government and that they took possession of said property with the intention of profiting thereby. The fact that Claravall and Hermoso actually took merchandise from the bodega and hauled the same to the house of Raymundo, using the cart of the latter, clearly shows that they were acting together. It is not to be supposed that Hermoso used the cart of Raymundo for the purpose of carrying property from the bodega to the house of the latter without his consent and knowledge. That fact, taken in relation with the other fact that the other members of the family of Raymundo and he each told a different story concerning how the effects taken from the bodega happened to be found in his house and yard, clearly shows his implication in the commission of the crime. Merchandise such as was taken from the bodega and found in the house and yard of Raymundo, in the quantities shown in the present case, did not arrive there by accident; neither would such quantities of merchandise be found in the house and yard without the members of the family having known something about its origin. The fact that Raymundo and his family tried to hide said merchandise is also a suspicious circumstance. If said merchandise had come into the possession of Raymundo rightly, there certainly would not have been any occasion to keep its existence there a secret by hiding it.

In our opinion the defendants are guilty of the crime of larceny, beyond a reasonable doubt. In the case of Atanasio Claravall we think there existed the aggravating circumstance of abuse of confidence. He was an employee of the government. While it is true perhaps that he had been deprived of the right to act as property clerk, yet he had been continued as an employee of the government and for that reason owed a certain duty to the government in protecting its property and rights. In depriving the government of its property he violated the confidence which had been reposed in him as an employee of the government. Taking into consideration said aggravating circumstance, therefore, we are of the opinion that the penalty to be imposed on him should be two years eleven months and eleven days of prision correccional. There being neither aggravating nor mitigating circumstances with reference to the defendants Raymundo and Hermoso, we are of the opinion that they should be sentenced to be imprisoned for a period of one year eight months and twenty-one days of prision correccional. Therefore, the sentence of the lower court is hereby modified, and it is hereby declared that the defendants are guilty of the crime of larceny and not robbery, and that the said Atanasio Claravall should be and is hereby sentenced to be imprisoned for a period of two years eleven months and eleven days of prision correccional, and that Antonio Raymundo and Cosme Hermoso should be and are hereby sentenced to be imprisoned for a period of one year eight months and twenty-one days of prision correccional and each to pay one-fourth part of the costs. So ordered.

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

Moreland, J., see concurring and dissenting opinion.

CONCURRING AND DISSENTING OPINION

MORELAND, J.:

I agree to the conviction of the accused but I dissent from that part of the judgment of the court which finds present and applies the aggravating circumstance of abuse of confidence with respect to Claravall.

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.