

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. ROMAN INFANTE AND TOMAS BARRETO, DEFENDANTS AND APPELLANTS.

G.R. No. 11448. January 25, 1917

Ponente: CARSON, J.

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CARSON, J.:

This case intimately connected with No. 11449[1] just decided. What was said in our opinion in that case, in disposing of the various assignments of error, is in large part applicable to the assignments of error relied upon in this case, and disposes adversely of all the substantial contentions of counsel on this appeal, except their claim that the information in this case should have been dismissed on the plea of double jeopardy interposed in the court below.

Appellants in this case were convicted in the former case of the crime of falsification of a private document, in that they falsified a pawn ticket issued by the Monte de Piedad, to the prejudice of and with intent to prejudice the complaining witness. The evidence disclosed that these accused changed the description of the pawned article as it appeared on the face of the pawn ticket and substituted therefor another article of greatly superior value, and that thereafter the falsified ticket was itself pawned in the pawnshop of the complaining witness for an amount largely in excess of the true value of the article pawned in the Monte de Piedad, for which the original pawn ticket was issued.

In the present case these appellants were convicted in the court below of the falsification of another pawn ticket issued by the Monte de Piedad, and the evidence discloses that this pawn ticket was falsified by these accused at or about the same time when they falsified the pawn ticket for the falsification of which they were convicted at the former trial; that the falsification was made in substantially similar manner to that in which the other ticket was falsified; and that both the falsified tickets were pawned in the pawnshop of the complaining witness at the same time and for the same purpose, that is to say, to procure a loan far in excess of the true value of the articles originally pawned in the Monte de Piedad.

The contention of counsel would seem to be that, since both these tickets were falsified at or about the same time and for the same purpose, and since both were used at the same time to procure unlawfully a certain sum of money from the pawn-broking establishment of the complaining witness, there was but one crime committed.

But whatever force there might be in this contention were the accused charged in these separate informations with the embezzlement of the money advanced by the pawnshop upon presentation of the separate falsified pawn tickets, such a contention cannot be successfully maintained with relation to the two separate charges of falsification of a private document upon which the accused were tried and convicted in the court below, each of which constituted a single, consummated offense wholly separate and distinct from the other and wholly separate and distinct from the crime of embezzlement which was committed when illegal and improper use was made of these falsified pawn tickets to procure money from the pawnshop of the complaining witness.

The two pawn tickets were wholly separate and distinct documents. They had no relation to each other as

members of a series of instruments, so intimately related, that the falsification of one individual of the series would be, in effect, a falsification of the entire series. The crime of falsification of a private document was complete and consummated when, with intent to prejudice a third person, the first pawn ticket was actually falsified; and a wholly separate and distinct crime was initiated and consummated when the second ticket was falsified. That both documents may have been falsified to be used together in the perpetration of an embezzlement in no wise affects the case, as under the definition of the crime of falsification of private documents set out in article 304 of the Penal Code, the crime is consummated and complete at the moment when such a document is actually falsified, to the prejudice of, or with intent to prejudice a third person, it matters not to what use the document may be put thereafter, as will readily be seen from the express terms of that article, which are as follows:

"Any person who, to the damage of another, or with the intent to cause such damage, shall in any private document commit any of the acts of falsification enumerated in article three hundred shall suffer the penalty of presidio correctional in its minimum and medium degrees and be fined in a sum not less than six hundred and twenty-five and not more than six thousand two hundred and fifty pesetas."

We find no error in the proceedings had in the court below prejudicial to the rights of the accused, and the judgment convicting and sentencing him should, therefore, be affirmed, with costs. So ordered.

Torres, Moreland, Trent, and Araullo, JJ., concur.

[1] See page 149.

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