

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. SEVERO DE LOS REYES, TELESFORO ALCANTARA, AND FLORENCIO GABAYAN, DEFENDANTS AND APPELLANTS.*G.R. No. 11507. August 08, 1916*

Ponente: MORELAND, J.

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The appellants are charged in this case with the crime of estafa. It is alleged that, in the month of December, 1914, they, fraudulently and with intent to deprive the complainant of his property, obtained from him a carabao of the value of P77 by means of a piece of paper which the accused delivered to him at the time and induced him to accept as payment for his carabao upon their representation and guaranty that it was an instrument which would make and coin paper and silver money after the lapse of seven Fridays, provided the complainant, upon each of said Fridays, would offer appropriate prayers for the success of the enterprise. Paleyan parted with his carabao for the piece of paper in question, induced to do so by the belief of its efficacy produced by the representations of the accused. As would naturally be expected the paper did not produce the effect represented, although Paleyan fulfilled his instructions by the accused to the letter. The result was the loss of his carabao without return of any kind. Finally convinced that he had been swindled, Paleyan laid an information before the authorities for the arrest and prosecution of the swindlers. They were duly tried and convicted and sentenced each to six months of arresto mayor and to pay one-third of the costs. Paleyan having obtained his carabao no indemnity was given by the trial court.

The only question raised by the appellants in the case is one of fact and the only argument presented is based on the evidence in the case. We have no difficulty in arriving at the conclusion that the accused are guilty as charged and found by the trial court. The proof of their guilt is evident in every line of the testimony. It appears clearly to be a case in which men of intelligence and knowledge of the world, Filipino Christians, took advantage of the ignorance and lack of experience and knowledge of an Igorot pagan, a member of a savage tribe, for the purpose of depriving him of his property. The story told by the victim is straightforward and direct and carries with it conviction. The character of the story told, the wealth of detail, the tints of local coloring, the ingenious method employed to play upon the childish nature and credulity of the victim, satisfy us of the truth of the victim's testimony. He is too ignorant and dense to have conceived so unique a method of vengeance against the accused. Moreover, the carabao in question was found in the possession of one of the accused who, while he offered an explanation of his possession, failed to convince the trial court, as he has failed to convince us, of his innocence thereof.

The judgment appealed from is affirmed, with costs against the appellants. So ordered.

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

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