

**THE UNITED STATES, PLAINTIFF AND APPELLEE, VS.  
BARAMBANGAN, MAMINTANG, AND SANGKUPAN MAMBANG,  
DEFENDANTS. SANGKUPAN MAMBANG, APPELLANT.**

*G.R. No. 11634. August 01, 1916*

Ponente: TRENT, J.

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**TRENT, J.:**

After the Moro Barambangan had stolen a caraballa belonging to Amay Kurut, he and the other two defendants sold it to Amay Tudtud for P100. The animal was later returned to the owner. The three defendants were tried and convicted for the crime of larceny—Barambangan, as principal, and Mamintang and Mambang as accessories—and sentenced to four years and two months of presidio correccional and to one year and one day of presidio correccional, respectively. They were further condemned to indemnify Tudtud in the sum of P100 and to the payment of the costs of the cause. Mambang alone appealed.

That Mambang knew that the animal had been stolen when he aided in selling it to Tudtud, receiving a part of the purchase price, there can be no doubt. The only questions for determination are those relating to the penalty imposed and whether the appellant should have been condemned to indemnify the purchaser of the animal. The crime committed by the principal is that defined and penalized by article 518, paragraph 3, and article 520 of the Penal Code, as amended by Act No. 2030, the penalty being presidio correccional in its medium degree to presidio mayor in its minimum degree. As the appellant was only an accessory, the penalty corresponding to his crime is two degrees lower than that of the principal, which is a fine of not less than 325 pesetas and not more than 6,250 pesetas.

The stealing of the animal and the selling of it to a third party are two separate and distinct crimes. The first is larceny and the second is estafa. The offended parties are different persons, the owner and the purchaser. When an accused person is convicted for the commission of a certain crime (as in this case, larceny), he cannot be condemned to indemnify an injured party for damages resulting from a separate and distinct crime.

For the foregoing reasons, the judgment appealed from is reversed and the appellant is sentenced to pay a fine of 1,000 pesetas, to suffer the corresponding subsidiary imprisonment in case of insolvency, and to pay the costs incident to this appeal, together with one-third of the costs in the court below. So ordered.

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

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