

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. SANG KUPANG MAMBANG, DEFENDANT AND APPELLANT.

G.R. No. 11636. February 28, 1917

Ponente: MORELAND, J.

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MORELAND, J.:

The court in this case found the defendant guilty upon the evidence of the theft of [large] cattle and sentenced him to 4 years and 10 months of presidio correctional, and to pay an indemnity of P80, the value of the carabao stolen.

The appellant presents only a question of fact. A careful examination of the evidence leads to the irresistible conclusion that it is sufficient to sustain the conviction. There seems to be no reasonable doubt of the guilt of the appellant if the witnesses for the prosecution are worthy of credit; and that is a matter which rests very largely with the trial court to determine. We find nothing which would indicate that the trial court was misled or was mistaken in his estimate of the credibility of the witnesses who testified before it and we are therefore unable to interfere with its finding in that regard.

The question raised in the case and most strongly argued is one presented and argued by the Attorney-General himself in favor of the accused to the effect that the trial court improperly charged the appellant with the payment of the value of the carabao stolen, the reason given being that the carabao died after it had been taken from the possession of the appellant and while it was being held by the Constabulary pending the trial of the appellant, and that no act of the appellant contributed to the death.

We do not agree with this contention. It is undoubted that the carabao died a natural death; but it is to be remembered that it died while out of the possession of its owner as a result of criminal act of the appellant. We believe it to be the general rule in this jurisdiction that a person is responsible for the results which flow from his criminal act; and where, by reason of such an act, a person is deprived of the possession of his property, the malefactor is responsible to the owner either for the return of the property or for the payment of its value if it cannot be returned—and this whether the property is lost or destroyed by the act of the malefactor, or that of any other person, or is the result of whatever other cause.

The Penal Code provides in article 17 that "every person criminally liable for a felony or misdemeanor is also civilly liable;" and article 119 declares that "the civil liability established in chapter II, title II, of this book comprises: 1. Restitution; 2. Reparation of the damage caused; 3. Indemnification for consequential damages." These terms are sufficiently broad to cover a loss sustained in the manner presented by this case and support the general rule which we have just stated.

The judgment appealed from is affirmed, except that one day should be added to the penalty, making it 4 years, 10 months and one day of presidio correctional. As so modified, it is affirmed, with costs against the appellant. So ordered.

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

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