

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. MOHAMAD UNGAL, DEFENDANT AND APPELLANT.

G.R. No. 13081. March 20, 1918

Ponente: JOHNSON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-13081/>

JOHNSON, J.:

This defendant was charged with the crime of the larceny of large cattle. He was arrested, tried, found guilty and sentenced to be imprisoned for a period of one year, one month and twenty-five days of presidio correccional, and to return to the owner the carabao and the vacuno stolen, or their value fixed at P80, and to pay the costs. From that sentence the defendant appealed to this court.

The complaint alleged:

"That, on or about the 12th of March, 1917, in the sitio of Putat, municipal district of Pansul, Province of Sulu, Department of Mindanao and Sulu, P. I., the aforementioned accused did willfully, unlawfully, and criminally, with intent of gain and without violence or intimidation upon persons, nor force upon things, take, steal, and carry away with him three cows and one carabao valued at P140, equivalent to 700 pesetas, Philippine currency, belonging to the Moro Siba and without the latter's consent"; acts committed in violation of law."

It will be noted that the complaint alleged that the defendant had stolen three vacunos and one carabao valued at P140. The proof shows that but one of the vacunos and the carabao were found in the possession of the defendant. They were duly recovered by the owner. The other two vacunos had not been recovered at the time of the trial in the lower court.

In addition to the question whether or not the defendant is guilty of the crime charged, the record presents the question, whether or not he must return the other two vacunos, not recovered, or their value.

That the large cattle mentioned in the complaint were stolen is clearly proved by the record. That two of said animals were found in the possession of the defendant is admitted by him. That his explanation showing how he obtained possession of said animals is unsatisfactory is shown by the proof. Generally, one who obtains possession of property rightfully and legally has but little difficulty in justifying his possession. It is a rule established by an abundance of jurisprudence, when stolen property is found in the possession of one, not the owner, without a satisfactory explanation of his possession, that he will be presumed to be the thief. (U. S. vs. Soriano Santillan, 9 Phil. Rep., 445; U. S. vs. Pagua, 10 Phil. Rep., 90; U. S. vs. Jamero, 10 Phil. Rep., 137; U. S. vs. Soriano and Villalobos, 12 Phil. Rep., 512; U. S. vs. Espia, 16 Phil. Rep., 506; U. S. vs. Solinap, 18 Phil. Rep., 77; U. S. vs. Divino, 18 Phil. Rep., 425; U. S. vs. Simbahan, 19 Phil. Rep., 123; State vs. Weston, 9 Conn., 527; 25 Am. Dec, 46; Jones vs. The State of Mississippi, 30 Miss., 653; 64 Am. Dec, 175; Commonwealth vs. Montgomery, 45 Am. Dec, 227; decision of the supreme court of Spain of January 4, 1871, 1 Pantoja, Jurisprudencia Criminal, p. 128.)

It is a well settled rule that the possession of stolen goods is prima facie evidence that the possessor is the thief,

and throws on him the necessity of accounting for his possession. (State vs. Weston, 9 Conn., 527; 25 Am. Dec, 46; Jones vs. The State of Mississippi, 30 Miss., 653; 64 Am. Dec, 175; State vs. Raymond, 46 Conn., 345; 2 Wharton's Criminal Law, section 1231.)

With reference to the second question above indicated, must the penalty be fixed upon the basis of the value of the property found in the possession of the defendant, or must it be fixed upon the amount of property stolen. Generally, the penalty for larceny depends upon the value of the property stolen (arts. 517-520, Penal Code). The question presented may be made clearer perhaps by a few examples.—Larceny is committed in a bank. P10,000 is stolen. One peso only is found in the possession of A. The explanation of his possession of said peso, which is fully identified by particular marks or otherwise, is not satisfactory. He is therefore, under the general doctrine, presumed to be the thief. But, the thief of the one peso only, or of the P10,000? If the presumption of law makes him guilty of the larceny, of the only property found in his possession, then the penalty is fixed upon the basis of the value of one peso. If, however, the presumption makes him guilty of the crime committed, then the penalty should be based upon the value of the property stolen, or of P10,000. Another example—Larceny is committed in the house of B. His suit is stolen with a pocketbook containing P100. The pocketbook was left in the pocket of the suit. The suit is valued at P20, the pocketbook at P5. The next day C is found in possession of the suit. His explanation of his possession is unsatisfactory. The pocketbook and the P100 were never found. C was arrested, tried and found guilty under the above presumption. How shall the court fix the penalty? Shall it be based upon the value of the suit, or upon the value of the suit including the pocketbook and the P100? Putting the question in another form: Does the presumption which makes the possessor of stolen property the thief, in the absence of satisfactory explanation, extend only to the property found in his possession, or does it extend to the crime committed? It seems difficult for the human mind to follow any course of reasoning which would lead it to any other conclusion than that the possessor of a part of stolen property is, in fact, the thief of all of the property stolen at the same time and place.

In discussing the question before us, in the case of the United States vs. Solinap (18 Phil. Rep., 77), we said, in effect, that when one of two animals which were stolen from the same corral at the same time is found in the possession of the defendant, and he is unable to give a satisfactory explanation of his possession of the same, that fact is sufficient in itself to sustain a finding that the defendant is guilty of the theft of both animals. That decision is conclusive of the question before us.

Therefore, the sentence which must be imposed upon the defendant must be based upon the value of all of the animals stolen. The record shows that the animals stolen were worth P140 or 700 pesetas; and the penalty must be based upon the provisions of paragraph 3 of article 518, in relation with paragraph 4 of article 520, as amended by paragraph 4 of Act No. 2030, of the Penal Code. Under said provisions, taking into consideration the existence of the aggravating circumstance of nocturnity, without any extenuating circumstance, the penalty to be imposed is presidio mayor in its minimum degree.

Therefore, the sentence of the lower court is hereby modified; and it is hereby ordered and decreed that the defendant be sentenced to be imprisoned for a period of six years and one day of presidio mayor, and to return to the offended person the animals stolen, or to indemnify him for their value, and to suffer the accessory penalties provided for by law, and to pay the costs. So ordered.

Arellano, C. J., Torres, Carson, Street, and Avanceña, JJ., concur.

Araullo, J., with whom concurs Malcolm, J., concurring in part.

CONCURRING OPINION

ARAULLO, J., concurring:

Even though application to this case be made of the rule laid down by decisions of this court, as set forth in the foregoing decision, the undersigned is of the opinion that the accused should not be found guilty of the theft of the four heads of cattle, charged in the complaint, but only of the two animals found in his possession and which have already been restored to the owner; and it is not therefore proper to sentence him to return the two other animals, or to pay their value of P80, as he was sentenced to do in the judgment appealed from, inasmuch as, from the result of the evidence adduced and the fact that only two of the animals were found in the possession of the accused, the two others having been left where the owner kept them, according to the accused himself, no recourse can be had to the legal presumption, arising from such possession, that he is guilty of the theft of the two other animals, as they could have been stolen by another person. Moreover, if the accused were sentenced for the theft of these two animals and they afterwards were found in the possession of another, the accused would have been sentenced then for a crime which it would evidently be shown that he did not commit, and, following the rule laid down in this decision, penalty should necessarily be imposed upon the other person actually possessing such animals. According to the same decision, legal presumptions may serve as basis for the final findings of facts, taking into account the circumstances of each case; and in the case at bar, in view of the circumstances, the fact that the two animals were found in the possession of the accused does not necessarily lead beyond a reasonable doubt to the conclusion that he also stole the two other animals.

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.