

**AVELINO NATIVIDAD, PETITIONER, VS. COURT OF APPEALS, ET AL.,
RESPONDENTS.***G.R. No. 14887. January 31, 1961*

Ponente: BENGZON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-14887/>**BENGZON, J.:**

Avelino Natividad and Fermin Villanueva were charged with theft of electric current, in the Manila court of first instance. They were convicted. On appeal, the Court of Appeals affirmed the conviction of the first, but acquitted Villanueva.

Hence this petition for review, which is mainly based on the proposition that as both accused had been prosecuted for having conspired to steal electric current, the exoneration of one should entail the acquittal of the other.

According to the Court of Appeals, "in 1949, appellant Villanueva established a laundry business at 159-A Padilla St., San Miguel, Manila, under the title of Majestic Steam Laundry and Dry Cleaners. The electric energy needed for its operation was supplied by the Manila Electric Company which, on December 5, 1949, installed in Villanueva's establishment the new electric meter exhibit A. ***** Appellant Villanueva regularly paid for his electric consumption upon presentation of the corresponding bills, which steadily increased in amount from P112.00 and P116.00 for the first and second months (January 10 to February 8 and thence to March 9, 1950), until the 17th month (May 10 to June 9, 1951) when the amount paid was P248.00 (Exhs. H-1 and 3-Villanueva). Spurred by reports that "electric current all over Manila were being tampered by a person named Manuel Arboleda" and that Majestic Steam Laundry and Dry Cleaners was one of the places visited by him, and because the value of the electric current consumed by this laundry establishment in June and July, 1951, dropped abruptly to P176.00 and P186.00, respectively (Exhs. H-1 and 3-Villanueva), Manila Electric Company ordered the removal of meter exhibit A from appellant Villanueva's establishment and its substitution with another meter. Exhibit A was removed on August 30, 1951. * * *. And after the removal of the meter's glass cover, Tanyag, Mayor and Cayco (employees of Meralco) noticed that the mounting screws of the register show scratches, and they readily presumed and concluded "that the register had been detached from the meter which I (Cayco) believe turning back the reading of the meter."

"The electric current consumption registered by exhibit A from August 9 to August 20, 1951 when it was removed, was 6980; and that as shown by the substitute meter, from the latter date up to September 8, was 1660, or a total of 8,640 KWH the value of which—P478.00 * * *."

"When he was investigated by the Manila Police, Natividad denied having tampered with the electric meter in question; but on November 9, 1951, he appeared before Attorney C. S. Van Hoven of complainant's legal department, who took Natividad's affidavit which was signed and sworn to before Attorney Pastor S. del Rosario of the same department on February 26, 1952 (Exh. G) * * * wherein he admitted that for the consideration of P150.00 which his co-appellant Villanueva promised to pay him and his companions, he (Natividad) agreed to tamper with exhibit A in order to reduce Villanueva's electric bill, and that on July 10, 1951, instead of actually reading the meter he merely recorded 130 as the reading, which is very much lower

than the previous reading of 202 * * *."

"The evidence is clear and convincing that he has not recorded the true and correct reading of Villanueva's meter but instead made a false reading to reduce the amount to be paid by Villanueva to Meralco for his current, and in addition he (Natividad) also personally tampered with the meter."

It will be observed that the gist of the crime was that in accordance with a previous understanding with consumer Villanueva, this appellant Natividad[1] meter-reader of the Meralco—misread the electric meter so as to decrease the amount which such consumer had to pay, and paid, to the owner of the electric current, the Meralco.

According to the appellate court, Natividad knowingly "under-read" the electric meter in Villanueva's premises and falsely reported the readings during the period from June 9 to July 10, 1951, and from July 10 to August 9, 1951, thereby enabling Villanueva to appropriate, for nothing, about 11,830 electric kilowatt hours valued at P594.00. Meralco was thus pro tanto deprived of its property through the connivance of this employee. As to such connivance and deprivation there can be no doubt, because the petitioner himself so confessed in an affidavit.

The resulting situation does not materially differ from the case of *U. S. vs. Carlos*, 21 Phil. 553, wherein the consumer of electric current having managed to evade payment of part of his accounts by using the so-called "jumper" to deflect the current from the house electric meter, was held by this Court to be guilty of theft.

Contrary to petitioner's contention, the acquittal of Villanueva did not necessarily mean that no electric current had been taken away gratis. There was a factual finding of such larceny by the Court of Appeals, which we are not at liberty to disturb. Anyway, the acquittal rested on the lack of proof that Villanueva had tampered with the electric meter to conceal the crime. The offense was already committed when Villanueva paid his bills (reduced) for July and August.[2] And herein petitioner admitted such bills and payment accorded with his "under-reading."

If it be argued that, without such tampering, the theft could not have been "consummated" because sooner or later, the true consumption will be discovered and the consumer will be made to pay accordingly, the answer is, there are other ways of concealing the swindle or of evading payment of the unreported fluid consumption.

We must, therefore, affirm the conviction; and as there is no question raised concerning the penalty,[3] the judgment of the appellate court is hereby affirmed, with costs.

Paras, C. J., Padilla, Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L., Barrera, and Paredes, JJ., concur.

[1] He was paid money for it.

[2] Cf. *U.S. vs. Tambunting*, 41 Phil. 364.

[3] 6 years and 1 day to 9 years and 4 months of prision mayor, plus indemnity of P594.00

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.