

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. ROMAN GUSTILO, DEFENDANT AND APPELLANT.

G.R. No. 1910. April 26, 1905

Ponente: CARSON, J.

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CARSON, J.:

Roman Gustilo, the appellant in this case, was charged with the crime of falsification of a public document in that, as administrator of the estate of one Paulina Gustilo, he submitted a bond in the sum of 1,000 pesos, Mexican currency, upon which appears as surety the name of one Teodoro Guillergan, knowing that the said Teodoro Guillergan had falsely justified to the said bond in the said sum of 1,000 pesos, and knowing further that the said Teodoro Guillergan was not in fact worth the said sum.

The only evidence in the case which tends to show that said Teodoro Guillergan was not worth 1,000 pesos at the time he justified as surety upon the said bond is the testimony of one Buenaventura Jargenilla, who states that he knew that at the time of the execution of the bond, said Guillergan was not the owner of property of the value of 1,000 pesos, and that he knew this because he lived not far from the house of the said Guillergan, and because his wife was related to the wife of the said Guillergan. And the only evidence which tends to show that the appellant knew that the said Guillergan was not worth 1,000 pesos at the time of the execution of the bond was the fact that they lived together in the same house at that time.

We do not think that this evidence is sufficient to establish the guilt of the accused beyond a reasonable doubt, and therefore the sentence appealed from should be, and is hereby, reversed, and the accused acquitted of the crime with which he is charged, with the costs de oficio in both instances. So ordered.

Arellano, C. J., Torres, Mapa, and Johnson, JJ., concur.

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