

THE UNITED STATES, COMPLAINANT AND APPELLEE, VS. MATIAS BUNAGAN, DEFENDANT AND APPELLANT.

G.R. No. 2054. October 14, 1905

Ponente: CARSON, J.

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CARSON, J.:

The charge contained in the information filed in this case is as follows:

"That on or about the month of November, 1903, in the town of Enrile, Province of Cagayan, the said Matias Bunagan, while a municipal treasurer, duly appointed and qualified for the above town, in abuse of his office, made false entries in the account books of the municipality of Enrile and in voucher No.4 of November 30,1903, purporting to be salaries paid for the months of September, October, and November last, in favor of the following members of the municipal police force of Enrile: Marcos Cepeda, Raymundo Luna, Fermin Maborang, Esteban Gutierrez, Pedro Carmayo, Catalino Gumabay, Fortunato Taguinod, Benigno Defeo, Bartolome Pasicolan, Vicente Bunagan, and Jose Gammad, whereas he had not made such payments, in violation of the law."

The accused was found guilty of the offense charged and sentenced to twelve years and one day imprisonment (cadena temporal).

We find no error in the proceedings prejudicial to the rights of the accused, and the evidence adduced at the trial fully sustains the findings of the trial court.

The sentence imposed did not include a fine of from 1,250 pesetas to 12,500 pesetas, as required by the provisions of article 300 of the Penal Code, which defines and penalizes the crime of falsification of public documents, and the accessory penalties prescribed by law were not expressly imposed as required by the provisions of article 90 of that code. We therefore modify the sentence of the trial court by imposing upon the accused in addition thereto a fine of 2,000 pesetas and the accessory penalties prescribed in article 56 of the Penal Code.

Thus modified the judgment and sentence appealed from are affirmed, with the costs of this instance against the appellant. So ordered.

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

Willard, J., did not sit in this case.

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