

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. COSME GUZMAN ET AL., DEFENDANTS AND APPELLANTS.

G.R. No. 2424. February 17, 1906

Ponente: CARSON, J.

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CARSON, J.:

Dionisio Ceferino and Generoso Hernandez, the appellants in this case, were found guilty of the crime of falsifying and passing counterfeit revenue stamps, and sentenced under the provisions of article 297 of the Penal Code.

Pending the hearing Generoso Hernandez withdrew his appeal, and the only case for consideration by this court is that of the United States vs. Dionisio Ceferino. While evidence was introduced at the trial which tended to show that a considerable amount of counterfeit internal-revenue stamps came into the possession of the Chartered Bank of India, Australia and China, the Guaranty Trust Company, and the International Banking Corporation, all of Manila, no evidence whatever was introduced to connect the appellant Dionisio Ceferino with the said counterfeit stamps, or with the making or passing of the same, other than an alleged confession made by him in writing in one of the police stations of Manila when arrested and charged with the offense. In this alleged confession he stated that upon a certain day in the month of June, 1903, he bought \$80 worth of stamps of one Amado F. Boque, and sold the same to one Exequiel A. Serrano. He did not state, nor was it shown by other testimony, that these stamps were counterfeit. Amado F. Boque, from whom he stated he purchased the stamps, was charged with the crime of falsification and passing of counterfeit revenue stamps, and acquitted, and Exequiel A. Serrano, who was also charged with the same crime, was acquitted and introduced as a witness on behalf of the Government against this appellant, and denied that he ever purchased stamps of any kind from him. Some effort was made to show that in the month of January, 1904, the said Exequiel A. Serrano, who was then a messenger for the International Banking Corporation, had purchased \$300 worth of counterfeit internal-revenue stamps and turned them over to the bank, but even though the evidence had been sufficient to convict Serrano of the crime of passing these internal-revenue stamps in January, 1904, there is no evidence whatever tending to show that these stamps were the same stamps which Ceferino, in his alleged confession, stated he had sold to Serrano in June, 1903.

We are of opinion, therefore, that the evidence introduced at the trial was not sufficient to sustain a conviction as to this appellant, and the judgment and sentence, so far as it relates to him, should be, and is hereby, reversed, with his proportionate share of the costs de oficio in both instances, and the said Dionisio Ceferino is hereby acquitted of the crime with which he is charged, and will be set at liberty forthwith. So ordered.

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

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