

THE PEOPLE OF THE PHILIPPINE ISLANDS, PLAINTIFF AND APPELLEE, VS. GERMINIANO ARANETA, DEFENDANT AND APPELLANT.

G. R. No. 24622. January 28, 1926

Ponente: OSTRAND, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-24622/>

OSTRAND, J.:

The defendant Germiniano Araneta is accused of the crime of misappropriation of public funds through falsification of public documents, the information alleging:

"That on or about the 17th of August, 1923, in the municipality of Dausi, Province of Bohol, Philippine Islands, the above-named accused, being as he was then a public officer, employed in the municipal treasury of said municipality of Dausi, and as such in charge of collecting and receiving the fees for permit to kill large cattle of the said municipality of Dausi, he collected and received the sum of P1.50 from one Crispo Penales in payment of the fee for permit to kill a cow belonging to Baldomero Doldolea; that said defendant, simulating, falsifying and counterfeiting the stub-book (sic) of the permit to kill large cattle No. 68, which is a public document previously issued to Damaso Penales, erased the name of the latter and in lieu thereof he put, inserted and substituted that of Baldomero Doldolea; instead of the word 'Mayacabac,' which indicated the place of residence of the owner of the cow described in the same permit to kill No. 68, he erased said word and in lieu thereof, he put and inserted the word 'Poblacion;' instead of 'No. 1.' which indicated the age of the cow to be killed according to said permit No. 68, he erased said number and put and inserted in lieu thereof the numbers '1½' and the mark of the owner, 'DP,' which appears in said permit No. 68, was erased by him and in lieu thereof he put and inserted the mark 'D,' thus making it appear in the aforesaid permit to kill large cattle No. 68 previously issued to Damaso Penales as though it had been originally issued for the cow of Baldomero Doldolea, after making all the alterations aforementioned, and for the deliberate purpose of damaging the interests of the Government, he did willfully, unlawfully and criminally appropriate and convert to his own use and benefit the aforesaid sum of P1.50, which formed a part of the public funds that were under his custody by reason of his office."

The court below found the defendant guilty as charged in the information and sentenced him to suffer ten years of prison mayor, with perpetual disqualification from holding public office, and to pay a fine of 800 pesetas, with the costs. From this sentence the defendant appealed to this court.

It appears from the evidence that the defendant was the chief clerk in the office of the municipal treasurer in Dausi, Bohol, and that he as such was in charge of the issuance of permits or licenses for killing large cattle, for each of which permits a fee of P1.50 was charged. The permits or licenses were made out in triplicate on printed blanks prepared for that purpose, the original to be delivered to the party obtaining the permit. Of the two Copies, one was forwarded to the provincial treasurer and the other remained in the office of the municipal treasurer.

On August 17, 1923, the defendant issued a permit in favor of one Damaso Penales for the slaughter of a heifer 1 year of age, the permit bearing the number 68. The defendant collected P1.50 as a license fee and entered the collection in the so-called Record of General Collections under the date of August 18. It may be noted that it

appears from an inspection of said record that in the place where the name of Damaso Penales was entered or written, there is an erasure showing that another name had been written there previously.

On the same day upon which the license in favor of Damaso was issued, the accused issued another license to one Baldomero Doldolea for the killing of a black cow, a year and a half old. The permits bear the same number and it clearly appears that Doldolea's permit is written on one of the duplicate copies of Damaso's permits, the name of Damaso Penales having been erased and that of Baldomero Doldolea substituted therefor.

On April 23, 1924, a deputy auditor for the Province of Bohol, in examining the books of the municipal treasurer, discovered that no entry had been made in the Record of General Collections of the fee for the license issued to Baldomero Doldolea and called the defendant's attention thereto. The defendant explained that through an oversight, he had omitted to make the entry and on the following day, he paid into the municipal treasury the sum of P1.50 and then entered the amount as a collection. Some other irregularities of the same character were also discovered and several criminal actions, of which the present is one, instituted against said defendant.

Upon appeal, counsel for the defendant argues that the defendant was not a public functionary under article 401 of the Penal Code and, therefore, could not commit the crime of misappropriation of public funds as defined in article 390 of the same Code. Inasmuch as the provisions of the Penal Code with reference to this crime have been repealed by section 2672 of Act No. 2711, in connection with the penultimate paragraph of section 2 of the same Act, it is unnecessary to consider this argument. (U. S. vs. Guzman, 25 Phil., 22; U. S. vs. Lafuente, 37 Phil., 671; and People vs. Manipula, R. G. No. 22781.0)

The defendant also contends that the imposition of the penalty of ten years of prision mayor for the misappropriation of the small sum of P1.50 is cruel and unusual and that the statutory provisions which authorize the imposition of such a penalty are unconstitutional. This contention is also without merit; the penalty was not imposed for the crime of misappropriation alone but included the punishment for the falsification of public documents as well; the penalty prescribed by Act No. 2712 for that offense has been often applied and is, in our opinion, neither cruel nor unusual.

In regard to the defendant's contention that it has not been proven by direct evidence that he actually collected any fee from Baldomero Doldolea, it is sufficient to say that it was his duty to make the collection upon the issuance of the license and that the presumption is that he performed his duty.

The court below erred in treating the offenses charged in the complaint as the complex crime of misappropriation of public funds through falsification of public documents. Misappropriation of public funds is now punished under section 2672 of the Administrative Code, while the crime of falsification of public documents by a public employee falls under article 300 of the Penal Code; one of the two offenses being punishable under the Penal Code and the other under an ordinary Act of the Legislature, they must be regarded as two separate and distinct offenses. (People vs. Reyes, R. G. No. 18394; 2 People vs. Manipula, supra.)

The judgment appealed from is therefore reversed and the defendant is found guilty of each of the separate crimes of misappropriation of public funds and of the falsification of public documents. For the commission of the crime of misappropriation of public funds, the defendant is hereby sentenced to suffer two months of imprisonment and to pay a fine of P1.50, with perpetual disqualification from public office.

For the commission of the crime of falsification of public documents, the defendant is hereby sentenced to suffer eight years and one day of prision mayor, with the accessory penalties prescribed by the Penal Code, to pay a fine of 250 pesetas, with perpetual disqualification from public office, and to pay the costs. So ordered.

Avanceña, C. J., Street, Villamor, Johns, Romualdez, and Villa-Real, JJ., concur.

[1] Promulgated January 22, 1925, not reported.

[2] Promulgated November 10, 1922, not reported.

CONCURRING

JOHNSON, J.:

A careful reading of the decision of the Supreme Court in the case of *Weems vs. United States* (217 U. S., 349) will show, in fact, that the objectionable feature of the original section 300 of the Philippine Penal Code was the nature of the punishment and not the period of imprisonment imposed. That is fully illustrated by the dissenting opinion of Chief Justice White. It was the phrase "imprisonment in chains" (cadena) that led the court afield. Since the American occupation, imprisonment in chains has not existed in cases like the present, nor in any other ordinary cases.

DISSENTING

MALCOLM, J.:

In my opinion, the accused should be acquitted both on the facts and the law. He is charged with the crime of misappropriation of public funds through falsification of public documents in the amount of P1.50. In the lower court, he is convicted of the complex crime charged and is sentenced to suffer ten years' imprisonment, with perpetual disqualification from holding public office, and to pay a fine of 800 pesetas, and costs. In this court, he is again convicted but this time of two distinct crimes,—one, mis-appropriation of public funds, and the other, falsification of public documents, and is sentenced to a total of eight years, two documents — and is sentenced to a total of eight years, two months, and one day imprisonment, and to pay two fines of P1.50 and 250 pesetas, with perpetual disqualification from public office, and the payment of the costs.

The original article 300 of the Spanish Penal Code relating to the falsification of public documents was declared unconstitutional by the United States Supreme Court in the well known case of *Weems vs. United States* ([1910], 217 U. S., 349; 54 Law. ed., 793; 30 Sup Ct. Rep., 544; 19 Ann. Cas., 705). In an attempt to save the situation, the Legislature then amended article 300 of Penal Code by the enactment of Act No. 2712. Nevertheless, the same principles announced by the higher court are still applicable. One still sentenced to cruel and unusual punishment who, on the assumption that he is guilty, as a clerk, benefits himself to the amount of P1.50, and for this crime is sentenced to exceptionally long period of imprisonment, whereas on the other hand, a man who steals hundreds of thousands of pesos escapes with a much lighter sentence. At the most, the accused should only be found guilty of misappropriation of public funds and sentenced therefor to the minimum penalty provided by the Administrative Code.

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.