

THE PEOPLE OF THE PHILIPPINE ISLANDS, PLAINTIFF AND APPELLEE, VS. JOSE BELLA BAUTISTA, DEFENDANT AND APPELLANT.

G.R. No. 30541. March 30, 1929

Ponente: STREET, J.

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STREET, J.:

This appeal has been brought to reverse a judgment of the Court of First Instance of the City of Manila, finding the appellant, Jose Bella Bautista, guilty of the offense of falsification of a public and official document and sentencing him, under article 301 of the Penal Code, as amended, to undergo imprisonment for four years, nine months and eleven days, prison correccional, with the accessories prescribed by law, and requiring him to pay a fine of 1,500 pesetas, with subsidiary imprisonment in case of insolvency, and requiring him to, pay the costs of prosecution.

The subject of falsification in this case is entry No. 3057 in the Register of Attorneys (Libro Registro de Abogados), kept by this court, in which is recorded, in connection with each attorney admitted to the Bar, the fact that he has taken the required oath as an attorney and is registered as such. Each attorney who is thus admitted is required to sign the appropriate entry, and the fact is attested by a deputy clerk, with notation also of the date of the inscription. In the entry referred to was originally recorded, over date of December 17, 1927, the fact that one Braulio D. Hurtado was registered as attorney after having taken the required oath. This entry is attested by the signature of Jeronimo Samson, deputy clerk.

As the same entry now appears, the name Braulio D. Hurtado in the body of the entry has been partially erased, but without destroying the legibility of the name, while in the place below (where the name Braulio D. Hurtado was originally written by himself), said name has been almost completely erased and the name of the appellant, Jose Bella Bautista, has been written over the erasure. That this entry originally pertained to Hurtado is shown not only by the fact that his name still appears legible in the body of the entry but also in the fact that in his personal expediente there is notation showing that his corresponding number in the Register of Attorneys is 3057. As the entry now appears, the name Jose Bella Bautista is seen to be written in an ink different from that used when Hurtado was registered. Moreover, the name Jose Bella Bautista is evidently written in an irregular style showing a design, apparently, on the part of the author of the signature to conceal certain features of the erased signature which were not intended to be noticeable thereafter. If this entry had pertained in fact to the appellant, Jose Bella Bautista, and record had been made according to the practice of the clerk's office in making such record, the name of the appellant would have appeared in the body of the entry, as well as at the bottom of the entry where the appellant's name is now signed over an erasure. Moreover, the personal expediente pertaining to Jose Bella Bautista should contain a reference to entry No. 3057 as the number in which he is recorded in the Register of Attorneys. But no such annotation appears in said expediente.

The falsification of entry No. 3057 is manifest to the eye and really is a matter which admits of no debate.

Moreover, the appellant admits that he signed the name Jose Bella Bautista now appearing in the space where the name of Braulio D. Hurtado was first written. But he insists that he signed his name there, on the date therein appearing, by direction of an employee in the clerk's office and because he had been informed that he had successfully passed the bar examinations for 1927 and was entitled to be enrolled in this book. The case then resolves itself into an inquiry whether the appellant could have acted in good faith in signing his name to the entry in question.

In connection with this matter it appears that the appellant took the bar examinations for the fourth time in August and September, 1927, having previously three times failed in said exercises. Under the rules of the court applicable to bar examinations the appellant, upon failing a fourth time, would become ineligible for future examinations. In the examinations now under consideration the appellant attained only a general average of 45 in the several exercises, while the rules require a general average of 75 in order to pass. The appellant therefore in these examinations fell far below the required average.

After the papers of all the candidates had been graded and collated, the Committee of Examiners presented its report (Exhibit C) to the Supreme Court, showing that 184 candidates had obtained the required average of 75 without having fallen below 60 in any of the subjects. This report was accepted by the court, and December 17, 1927, was fixed by the court as the date for the administration of the oath to the candidates who had passed. When the action thus taken by the court was made public, a list of the successful candidates was given to the press, and the clerk of the court caused copies of the complete list, Exhibit B-1, to be affixed to the walls in the patio of the court where the results of the examinations are commonly published. This list contained the names of both successful and unsuccessful candidates with their corresponding averages.

It is important to note the fact that in the list of successful candidates (Exhibit C), approved by the court, the name of the appellant, Jose Bella Bautista, did not appear. The name of the candidate Braulio D. Hurtado, did appear, however, in said list as one of the successful candidates, and he in fact took the oath of office with other successful candidates on the morning of December 17, 1927, and thereafter signed his name to the entry No. 3057.

The appellant claims that, upon learning of the publication of the results of the examinations, he came to Manila and was informed by a deputy clerk that he had passed. The clerk of whom mention was made in this connection denies that any such information was given by him to the appellant; and the trial judge gave no credence to the appellant's statement.

It appears that the Exhibit 1 is the document from which typewritten copies, like Exhibit B-1, were made showing the grades received by the candidates in all subjects; and it appears that in the Exhibit 1 the grades received by the appellant in different subjects have been changed, with the effect of raising his apparent general average to 75. These alterations were evidently made after the type-written copies were drawn off, since the grades of the appellant appearing in the typewritten copies show that he made a general average of only 45, as already stated. Very significant also is the circumstance that the grades earned by the appellant and awarded to him on his different compositions by the several examiners have been changed correspondingly with the changes made in Exhibit 1.

Upon the foregoing facts and other circumstances appearing of record—all of which are fully and clearly stated in the appealed decision—no other reasonable conclusion is tenable but that the appellant, knowing that he had failed by a wide margin in his examinations, became a party to a falsification of the Register of Attorneys in the manner already described, in order to make it appear that he had acquired the status of an attorney-at-law. It is impossible that he should have believed, or could have believed, that he had passed in view of the publicity given to the

results of the examinations; and his participation in the act of inscribing his name in the register carried with it full criminal responsibility.

The trial court suggests in the opinion that the offense committed required the participation of some unfaithful employee of the court. But this fact, as the court found, did not lessen the criminal responsibility of the appellant.

We note that when the trial was begun the appellant indicated his preference for conducting his own defense, but legal assistance was afterwards obtained; and error is assigned to the action of the court in failing to concede time for the attorneys to prepare the case. We are of the opinion, however, that the court was not in error in refusing to suspend the proceedings, and the appellant was treated with ample generosity by the court.

The judgment appealed from is in all respects in conformity with the law and evidence, and the same will be affirmed. So ordered, with costs against the appellant.

Johnson, Malcolm, Ostrand, Johns, and Villa-Real, JJ., concur.

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