

THE PEOPLE OF THE PHILIPPINE ISLANDS, PLAINTIFF AND APPELLEE, VS. CIRILO K. ALAFRIZ, DEFENDANT AND APPELLANT.

G.R. No. 31013. September 24, 1929

Ponente: ROMUALDEZ, J.

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ROMUALDEZ, J.:

The crime prosecuted in this case and punished by the lower court with ten years' imprisonment, P1,000 fine, costs and destruction of the bank notes which form Exhibit B, is a violation of Act No. 1754, which prohibits the forging, etc., of obligations and securities of the United States or of the Philippine Islands, etc.

The facts are sufficiently proven. The accused admits having received from one Pablo Nera the false bank notes (Exhibit B) in order to sell them at half price, he to receive one-third of the proceeds of the sale. It is also proven that the accused delivered said bank notes to Paulino Pichay to be negotiated. We likewise believe that the accused acted with fraudulent intent; he admitted that said notes are forged.

From the foregoing it follows that the accused not only had said false notes in his possession, in violation of section 4 of the aforesaid Act No. 1754, but also uttered them delivering them to Paulino Pichay, in contravention of the provisions of section 2 of said Act. And both violations are alleged in the information, which is not questioned on the ground of duplicity of charges.

As to whether or not the false notes which constitute Exhibit B come under the definition of obligations and securities contained in section 1 of said Act, it must be noted that in said section there is the general description "and other representatives of value, of whatever denomination, etc.," and certainly if such false notes were not included in any other specific description made in the aforesaid section, they must be understood to come under the aforesaid general clause.

We find no error in the judgment appealed from, and the same is hereby affirmed in all its parts, with costs of both instances against the appellant. So ordered.

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

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