

**THE PEOPLE OF THE PHILIPPINE ISLANDS, PLAINTIFF AND
APPELLEE, VS. JUSTO A. PONFERRADA ET AL., DEFENDANTS.
VIRGILIO NAVAL, APPELLANT.**

G.R. No. 31049, November 29, 1929

Ponente: STREET, J.

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STREET, J.:

This case has been brought upon appeal to the Supreme Court for the purpose of reversing a judgment of the Court of First Instance of the City of Manila, finding the appellant, Virgilio Naval, guilty of the offense of falsification of a public and official document and sentencing him to undergo imprisonment for five years, four months and twenty-one days, prison correccional, with the accessory penalties prescribed by law, and requiring him to pay a fine of 1,500 pesetas, with subsidiary imprisonment in case of insolvency, and to pay one-third the costs of prosecution. In the information which is the basis of this prosecution Justo A. Ponferrada and Albino Candelaria were joined as co-defendants, but the case against the appellant was separately tried.

It appears that Justo A. Ponferrada, originally one of the co-accused in this case, graduated from the Escuela de Derecho in 1923, after which he successively took the bar examinations for four times without success. As the rules of the court permit a candidate to take the examinations four times only the last examinations taken by Ponferrada in the year 1927 marked the end of his legitimate efforts to be admitted to the practice of law. In this last examination his general average was 61 per cent, which is 14 points below the 75 per cent required for a candidate to pass the examinations. After the results of this examination had become known near the middle of December, 1927, Ponferrada came into contact with the appellant, Virgilio Naval, then the private secretary of one of the Justices of this court; and in an interview that took place at No. 153 Legarda Street, in the City of Manila, where Ponferrada lodged, the matter of securing a revision of Ponferrada's grades, with the assistance of Naval, was discussed. The next day Ponferrada was informed by Naval that the latter could fix the matter up provided he should be paid the sum of one thousand pesos as his fees. This demand Naval subsequently reduced to nine hundred pesos; and on three different occasions subsequent to this Ponferrada paid to Naval three different sums of money amounting to nine hundred pesos.

In the course of the next two or three months Naval had frequent interviews with Ponferrada, and one Segovia, who lived in the house with Ponferrada and needed the same sort of assistance, regarding the expected revision of their examination papers. Upon one of these days, Naval called Ponferrada up by telephone and informed him that favorable action had been taken by the Supreme Court on Ponferrada's motion for revision; and on or about February 16 or 17, 1928, the appellant, accompanied by Albino Candelaria, delivered to Ponferrada a copy of a purported resolution of the Supreme Court, admitting Ponferrada and Segovia, as well as one Enage, who was also a failed candidate and likewise an applicant for the revision of his papers, to the practice of law in the Philippine Islands. It may be stated here that Albino Candelaria, as employee in the office of the clerk, was charged with the duty of making out notices of the resolutions "of the court. About the middle of March the appellant, accompanied by the same Candelaria, again called upon Ponferrada and delivered him a formal

diploma, or certificate, which purported to have been issued by the court to authenticate Ponferrada's admission to the bar.

The two steps above-mentioned having been accomplished there further remained one thing to be done, to give to the three candidates mentioned the appearance of legal and complete admission to the bar. This remaining requisite was to get their names on the Roll of Attorneys, which is a register kept by the Supreme Court as the final record of admission of candidates for the practice of law. This Roll, or Register, is a large book kept by legal authority in the clerk's office containing separate entries signed by the candidates whose names are inscribed and authenticated by the signature of a deputy clerk. The entries in this book (Exhibit D) are made in Spanish in the following form:

"Queda inscrito como abogado el Sr....., de....., habiendo prestado el juramento prevenido y firmado este asiento con ei Escribano Delegado que certifica.

"Manila, I. F., hoy dia.....del mes de ,,,..... de 19.....

.....

["(Firroa del Abogado)]

.....

["(Firma del Escribano Delegado)"]

At the time with which we, are here concerned the aforesaid Register was kept in the clerk's office a few feet from the desk of Albino Candelaria, in charge of one Bienvenido Mapa, also an employee in the clerk's office. In order to accomplish the enrollment of the three failed aspirants to whom reference has been made, Naval induced one of the janitors of the court, Getulio Bola by name, to remove the Register from its place of repose in the clerk's office and to deliver it without to Candelaria and the appellant. With this book in their possession Naval and Candelaria embarked in an automobile one evening in March and proceeded to No. 153 Legarda Street, where they found Ponferrada, Segovia, and Enage, awaiting them. Upon arriving they invited these tjiree to embark in the automobile, and the party proceeded to drive to the bridge over the San Juan River, which constitutes, for some distance, the eastern or the northeastern boundary of the City of Manila. Crossing this bridge, they drove through the populous part of San Juan until they came to a vacant area in the place known as San Juan Heights. Here Candelaria and the three aspirants for the degree of lawyer disembarked from the automobile; and Candelaria drew from under the seat the big book, constituting the Register of Attorneys. As it was then dark, Candelaria took the book to the rear of the car, and supported it upon the tire-carrier in such position that the tail-light of the car made the pages of the open book visible. Thereupon each of the candidates in turn approached and signed his name in the two places indicated in the form for the name of the attorney.

The entry where the name of Ponferrada was thus inscribed bears the number 3061 in the, Register, and this entry had been previously filled out with the name of one Rafael Jose. This candidate had already been regularly admitted to the bar as a result of his success in the same examinations of 1927, and in order to prepare the entry for the reception of Ponferrada's name," the name of Rafael Jose had been effectively, but rather crudely, erased in the two places where it had been written. Segovia and Enage likewise signed over erasures made in entries bearing the numbers 3126 and 3077 respectively. This work having been accomplished, the party returned to the City of Manila.

The appellant, Virgilio Naval, denies participation in the acts above narrated; and the principal contention raised by this appeal is based upon the supposed insufficiency of the evidence to justify conviction. In this connection it is insisted that Ponferrada was a principal in the crime and that a conviction cannot be lawfully based upon his

uncorroborated testimony. It is undeniably true that the testimony of an accomplice, using the word in the sense of coauthor, is not entitled to the weight to which the testimony of a truthful and disinterested witness is entitled. But this rule of law has relation to the weight rather than to the legal admissibility of this sort of proof; and, in the case before us, the testimony of Ponferrada is not only credible in itself but it is supported, in its implications against the appellant, by circumstances which in our opinion demonstrate the truth of the witness's statements beyond a reasonable doubt. The appellant admits having received nine-hundred pesos from Ponferrada, and although he pretends that he received this money for his coaccused Candelaria, in ignorance of the criminal purpose for which this money was paid, this pretense seems to us to be manifestly false. There is another incident which also points to the conclusion that the appellant participated in the offense which is the subject of this prosecution with guilty knowledge and in the manner narrated in the testimony of Ponferrada. Thus, it appears that, after the investigation of these offenses was begun and the janitor, Getulio Bola, had been examined, with a view to the discovery of what he might know, the accused appeared on the morning of September 26, 1928, in the apartment of the Supreme Court Building where Bola was found and requested Bola to retract what he had declared, promising to furnish him with a lawyer in case he should be prosecuted for perjury and agreeing to provide Sola's family with all their needs if Bola should be sent to jail. This conversation was overheard by a detective who was so placed that he could hear what passed between Bola and the appellant in this conversation. The statements then made by the appellant indicate his guilty connection with the offense which was being investigated; for if he had been innocent he would not have been driven to the resort of tampering with one of the witnesses for the prosecution. The circumstances above alluded to supply in our opinion all the corroboration that is necessary to justify the court in accepting the narrative of the witness Ponferrada as supplying in the main a true account of the act of falsification which was undeniably committed.

In addition to the contention made over the sufficiency of the proof, the appeal presents two questions of law which should be mentioned. The first question is whether the Roll, or Register of Attorneys is a public or official document and whether the appellant can be convicted of participation in the falsification thereof, under article 301 of the Penal Code. Upon this point we are of the opinion that the official character of the document falsified in this case is not open to doubt. In the case of *People vs. Bella Bautista* (53 Phil., 158), a conviction was sustained by this court based upon a charge of the falsification of the same document; and although the point now mentioned was passed *sub silentio* in the decision of that case, no doubt was entertained by any member of this court that the document referred to was of an official character. The Register of Attorneys is a final repository of the resolutions of this court, and like any other written act or record of the court, is an official document under section 299 of the Code of Civil Procedure. Also, under section 20 of the Code of Civil Procedure, the clerk of the Supreme Court is required to keep such a roll as that now under consideration, to be signed by each person receiving license to practice the profession of law. Inscriptions like No. 3061 are not mere certificates of merit as contended for the appellant. They show that the lawyers whose names are signed thereto have taken the required oath to practice law and that the entry is signed by the person whose name appears therein.

The second question of law discussed in the appellant's brief has relation to the territorial jurisdiction of the Court of First Instance of Manila over the offense. In this connection we note that the Court of First Instance of Manila is by law given jurisdiction, concurrent with the courts of the contiguous provinces, over crimes committed within a zone having a width of two and one-half miles from the limits of the city. In the case before us it appears that the offense of falsification of entry No. 3061 in the Register of Attorneys was committed in San Juan Heights; and we are of the opinion that the trial judge could take judicial notice of the fact that the suburb of Manila known as San Juan Heights is located within the aforesaid zone. (*U. S. w. Chua Mo*, 23 Phil., 233.)

The offense committed in this case falls under article 301 of the Penal Code, and in view of the aggravating circumstance that the appellant availed himself in the commission of this offense of his official position as

employee of the Supreme Court, no error was committed in placing the penalty of imprisonment in the maximum degree of the penalty specified in said article.

The judgment appealed from will therefore be affirmed, and it is so ordered, with costs against the appellant.

Avanceña, C. J., Johnson, Malcolm, Ostrand, Johns, and Romualdez, JJ., concur.

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