

THE PEOPLE OF THE PHILIPPINE ISLANDS, PLAINTIFF AND APPELLEE, VS. SALVADOR SEGOVIA ET AL., DEFENDANTS. VIRGILIO NAVAL, APPELLANT.

G.R. No. 31051. November 29, 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, 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, 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.

This appeal is identical in all essential features with the case of *People vs. Ponferrada* (p. 68, ante), in which the same appellant was convicted of the offense of falsification of a public and official document in procuring the name of Justo A. Ponferrada to be written over the erasures of the name of Rafael Jose in two places in entry No. 3061 of the Register of Attorneys. In the case now under consideration the name of Salvador Segovia was written by Segovia, upon the same occasion, in entry No. 3126 of the Register of Attorneys, in the places where the name of Jose F. Aquino had been erased. But in this case all question as to the jurisdiction of the Court of First Instance of the City of Manila over the offense is removed by the testimony of the witness Segovia to the effect that the place where the offense was committed was about a kilometer from the San Juan bridge.

The only question submitted in the appellant's brief in this case, different from the questions raised in the former case, is based upon the fact that the falsification which is the subject of this prosecution was committed on the same occasion when the other falsification was committed. As will be noted from a perusal of the opinion in the other case, each of the three candidates who signed their names on that occasion in the Register of Attorneys, namely, Ponferrada, Segovia, and Enage, signed their names in turn. The prosecution in the three cases is therefore not based upon the same offense or even upon the same act, since the falsification of entry No. 3061 by the insertion of the name of Ponferrada Was an entirely different act, and offense, from the falsification committed in the insertion of the name of Salvador Segovia in entry No. 3126 of the same book; and this is true notwithstanding the circumstance that practically all the other external accompaniments of the two offenses were the same.

The judgment appealed from is without error, and the same will be affirmed, with costs against the appellant.. So ordered.

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

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