

THE PEOPLE OF THE PHILIPPINE ISLANDS, PLAINTIFF AND APPELLEE, VS. FELIPE N. CONCEPCION, DEFENDANT AND APPELLANT.

G. R. No. 34061. October 28, 1931

Ponente: VILLA-REAL, J.

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VILLA-REAL, J.:

The present case is before us on appeal taken by the accused, Felipe N. Concepcion, from the judgment of the Court of First Instance of Manila, convicting him of falsification of a public document, and sentencing him to eight years and one day of prison mayor, to pay a fine of P1,000 with the accessories of law, and the costs.

The appellant has assigned the following alleged errors as committed by the trial court in its judgment, to wit:

- In giving credit to and basing its judgment upon Victoriano Mata's testimony in court.
- In holding that the cover of the criminal case record No. 36516 is a public document.
- In holding that the writing of the figures '6/28/28' after the words 'date of commitment' constitutes the crime of falsification of a public document defined and penalized in article 300 of the Penal Code."

The prosecution sought to establish the following facts:

That on June 28, 1928, the accused Felipe N. Concepcion was a duly appointed deputy clerk of the Court of First Instance of Manila, on duty in the first branch. Among the cases set for trial on the date mentioned in said branch, was criminal case No. 36516, entitled "The People of the Philippine Islands vs. Victoriano Mata." While the defendant in that case was waiting for his case to come up, the accused in the present case called him aside and told him that he (the accused herein) would make him plead guilty and that there would be no need of a trial. Concepcion then asked Mata if he had enough money to pay the two-hundred-peso fine imposed on him. Mata answered that he only had P35. Concepcion asked him for it, and said he would take care of him, and that his case would no longer be heard. After Concepcion had received the P35 he asked Mata how long it would take him to get together enough money to pay the fine. Within two months Mata delivered P10 more to Concepcion, later P5, and lastly, P4. About November, 1929, Concepcion went to Mata's house and gave him P34, saying he was returning that amount, because he had no longer anything to do with the first branch of the court presided over by Judge Simplicio del Rosario. Mata had not paid the two-hundred-peso fine imposed on him, and he did not go to jail until January 2, 1930, when he was arrested by virtue of a warrant issued for him on December 3, 1929.

Upon the cover of the criminal case record No. 36516 of the Court of First Instance of Manila, against Victoriano Mata, after the printed words "date of commitment," the accused Concepcion had written the numbers "6/28/28," meaning June 28, 1928.

The defense attempted to show that on June 28, 1928, Victoriano Mata was sentenced to pay a fine of P200 upon his pleading guilty of the charge against him; that the accused, Felipe N. Concepcion, as deputy clerk of the

branch in which Mata was convicted, forwarded the record of the case to the office of the clerk in order to have the order of commitment prepared, for, he says, Mata had told him that he could not pay the fine; that Mata was not committed because Judge Del Rosario had given him time to pay the fine; that owing to the press of work, the accused forgot to erase the figures "6/28/28" which he had written on the morning of record after the words "date of commitment" printed on the cover of Exhibit A; that Mata never gave him P34; that Mata's motive in testifying against him in this case is that he could not help Mata to secure the P200 needed to pay the fine.

In rebuttal Victoriano Mata denied that he had asked the defendant to help him secure the P200.

The first question to decide in this appeal is that raised by the first assignment of error that the lower court erred "in giving credit to and basing its judgment upon the testimony of said witness before the court."

The appellant contends that the witness Victoriano Mata should not be believed because he made two contradictory sworn statements. In the first, which is in the form of an affidavit (Exhibit 1), he said that when the clerk Felipe N. Concepcion told him that unless he paid the fine he would go to Bilibid, he spoke to Judge Simplicio del Rosario in chambers begging for time within which to secure enough money to pay the fine, and that his Honor acceded to his request and told the said deputy clerk Felipe N. Concepcion to release him in order that he might look for the money required. The second statement was made while testifying in the present case to the effect that the accused, Felipe N. Concepcion, told him that he would enter a plea of guilty for him; that a two-hundred-peso fine would be imposed on him; that the accused also asked him if he had the wherewith to pay the fine, and upon his answering that he had only P35, defendant Concepcion asked him for the money, and inquired how long it would take him to pay the fine, saying that he would take care of him, and that the case would no longer be heard.

Victoriano Mata, on cross-examination by the defense counsel, explained the apparent contradiction saying that the affidavit was prepared by the accused Felipe N. Concepcion, who took it to the witness supplicating him to sign it out of pity for it would be the defendant's only salvation. In the face of this explanation, elicited by the defense counsel himself, there can be no reason for doubting the veracity of Mata's testimony.

The second point to be decided is whether the cover of criminal case record No. 36516 is a public document. The cover here referred to, containing the printed form, is used for criminal cases in Courts of First Instance throughout the Philippine Islands, and has been prescribed by the Attorney-General by means of a circular to that effect. The printed cover with the blank spaces, to be sure, is not a public document; but once the spaces are filled in by the proper court official and the cover attached to the record, it becomes part and parcel of the record and is converted into a public document, inasmuch as all the data thereon appearing are brief notes on important proceedings taken on the case and serve as a guide to the court and its officials in determining any proceeding in the case, and therefore those data must faithfully reflect the truth concerning such proceedings. So entirely does the court and its officials rely upon the data appearing upon criminal record covers that in the daily routine of their work they do not go beyond the covers to inform themselves of the proceedings taken in a given case. And it is upon this reliance, of which the defendant-appellant was well aware, that enabled him to conceal his malfeasance in collecting from the accused Victoriano Mata a portion of the fine imposed, for close upon a year and a half; for the figures "6/28/28" meaning June 28, 1928, written after the words "date of commitment" on the cover of the record Exhibit A, led the clerk of the court to believe that Victoriano Mata was serving the subsidiary imprisonment for insolvency when he was really at large, so that said clerk did not take the proper steps to require of him the payment of the fine.

The defendant's explanation that owing to the press of work he forgot to erase the figures he had written would have been acceptable if he had not demanded and accepted of Victoriano Mata the sum of P35 as a partial

payment of said fine.

By the third error assigned it is contended that the act of writing the figures "6/28/28" after the words "date of commitment" did not affect the record at all, and that, therefore, the person who did so did not commit the crime of falsification of a public document, citing a ruling of the Supreme Court of Spain on December 23, 1885, published in the gazette on June 21, 1886.

The writing of the figures "6/28/28" meaning June 28, 1928, after the words "date of commitment" on the cover of record Exhibit A, did affect the full meaning of the cover, and the effect it should produce, insomuch that Victoriano Mata did not appear to be at large but in confinement, which was not true and affected the whole record, so that the clerk of the court could not collect the fine imposed, as he should have been able to do, if he had not appeared to be in prison.

In view of the foregoing considerations, we are of opinion and so hold: (1) That the cover of a criminal record wherein are set forth certain data touching proceedings taken in the case, with the dates thereof, serving as a brief account of the case intended to expedite the despatch of work, forms a part of the record and is a public document; and (2) that the alteration of any such data or the writing in of any falsehood constitutes a falsification of said document.

Wherefore, finding no error in the judgment appealed from, it is hereby affirmed in its entirety, with costs against the appellant. So ordered.

Avanceña, C. J., Johnson, Street, Villamor, Ostrand, and Romualdez, JJ., concur.

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