

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. DANIEL RIOTA ET AL., DEFENDANTS AND APPELLANTS.*G.R. No. 343. August 18, 1909*

Ponente: CARSON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-343/>**CARSON, J.:**

This case is submitted to us en consulta under the provisions of section 38 of Act No. 136.

Daniel Riota, Domingo Desa, and Valeriano de Luna were convicted of the crime of estafa, as defined in section 5 of article 535 of the Penal Code, in the Spanish Court of First Instance of the Province of Tayabas on the 31st day of July, 1897, and sentenced to one month and one day of *arresto mayor*, together with the accessory penalties prescribed by law. At the same time, Jose Riota and Sabas Riota, who were charged with the same offense, were acquitted for lack of evidence. The judgment of the trial court was duly forwarded to the Audiencia of Manila for review, in accordance with the procedural law then in force, whereupon an order was entered directing the remittance of the record to the Decano del Colegio de Abogados, which resulted in the appointment of counsel for the defense on the 22d of March, 1898. On the 31st of March, 1898, counsel filed his written brief, and on the 2d of January, 1899, an order was issued directing a hearing upon the case at such time as the court found itself in the full and complete exercise of its criminal jurisdiction. At this point the proceedings appear to have been suspended as a result of the transfer of the sovereignty of these Islands from the Crown of Spain to the United States, and the next proceeding which appears in the record is a motion of the Assistant Attorney-General, dated Manila, August 22, 1901, and addressed to the Supreme Court then sitting under the sovereignty of the United States, for the appointment of a new attorney for the defense and the adoption of such further proceedings as might be deemed necessary. Mr. W. H. Lawrence was appointed counsel for the defense, and on the 9th of September, 1901, filed his brief. Thereafter, in response to an order issued by this court, dated November 8, 1901, directing the ascertainment of the whereabouts of the defendants, the clerk of the Court of First Instance of Tayabas, on the 8th day of May, 1902, reported that he had been unable to secure the information desired by the court. No further proceedings appear to have been taken in the case until the 25th day of March, 1908, when the record was returned to the Court of First Instance, an order having been entered on the minutes directing the suspension of the proceedings because the whereabouts of the defendants was unknown, without prejudice to the reopening of the case in the event that the accused should present themselves or be arrested. On the 27th day of October, 1908, the record was returned to this court, with the information that the defendants had been arrested and released on bail and had formally entered an appeal from the judgment of the Spanish Court of First Instance. The case was finally submitted, upon the briefs of the Solicitor-General and counsel for the defendants, on the 13th day of July, 1909.

Waiving the irregularity of the proceedings involved in the so-called appeal entered by the defendants, we think the case may fairly be taken to be submitted to us en consulta, under the provisions of section 38 of Act No. 136, both the Government and the defendants having had full opportunity to be heard, and the fact that such appeal was entered in nowise affecting the substantial rights of either party.

The complaining witness alleged that he delivered to the defendant, Domingo Desa, cocoanuts valued at P22.75, the property of his father, with the obligation to convert the said cocoanuts into coprax and return the same for an agreed remuneration, but that Desa had failed to deliver the coprax in accordance with his contract, and had disposed of it with the aid of his codefendants. The defendants alleged that the cocoanuts were not the property of the father of complaining witness; that they were in fact the property of Domingo Desa himself, having been harvested upon a tract of land, the property of Desa's mother; and that there was no obligation upon Desa to deliver the cocoanuts or coprax as alleged by the complaining witness.

The evidence of record as to the title to the land on which the cocoanuts were harvested is extremely unsatisfactory and falls far short of proving beyond a reasonable doubt that either the land or the cocoanuts were, as alleged, the property of the father of the complaining witness; and without satisfactory proof upon this point, the other evidence of record does not satisfactorily sustain a finding that the cocoanuts were delivered to the defendant, Domingo Desa, with the obligation to deliver the coprax yielded therefrom to the complaining witness. The evidence submitted by both the complaining witness and the defendants consists of verbal testimony, unsupported by documentary proof; the witnesses for the prosecution testifying that the father of the complaining witness purchased the land from the mother of the accused, Domingo Desa, and the witnesses for the defense denying the fact that such sale had ever been made. It appears that the dispute over the ownership of this land originated as far back as the year 1882; that the various parties continued to contest each other's respective claims down to the year 1894, when it is charged the alleged estafa of the coprax made from cocoanuts raised on this land was committed; and that, while the different claimants instituted various administrative proceedings looking to the securing of title to the land in question, no final decision, either judicial or administrative, had been pronounced at the time when these criminal proceedings were instituted.

Under all the circumstances, we do not think that a judgment of guilty beyond a reasonable doubt can be affirmed, and we therefore acquit the defendants, Daniel Riota, Domingo Desa, and Valeriano de Luna, of the crime of estafa of which they were convicted in the trial court, and reverse the judgment of the trial court in so far as it affects them, and affirm the said judgment in so far as it acquits Jose Riota and Sabas Riota, with the costs of the proceedings de oficio.

Arellano, C. J., Torres, Johnson, and Moreland, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.