

THE UNITED STATES, PLAINTIFF AND APPELLEE. VS. LEONCIO EVANGLISTA, DEFENDANT AND APPELLANT.

G.R. No. 4099. March 20, 1908

Ponente: WILLARD, J.

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WILLARD, J.:

FALSE ACCUSATION; DEFECTIVE COMPLAINT; PROSECUTION BY ORDER OF COURT.—From the Court of First Instance of Batangas. Defendant was found guilty of presenting a false accusation against another. Complaint was made by order of the court. Counsel for defense contended that the complaint was defective in that it did not state that the court had ordered the prosecution. Held, That the order of the court was not one of the facts constituting the offense, and it was not necessary that it be alleged in the complaint; and that the fact that the witness made the false accusations under the advice of a third party is no defense. Judgment of conviction affirmed.

Per Willard, J.

For appellant: Rafael Del-Pan.

For appellee: Attorney-General Araneta.

DECISION

It appear from the record that the defendant Evangelista had sold a horse to one Inas; that Inas attempting to sell the horse in Calamba was unable to do so because a resident of that place had in his possession another certificate of ownership of the same horse; that Inas then returned the horse to the defendant Evangelista and asked the latter to pay back to him, Inas, the price which he had paid for it, but the defendant refused to do this until Inas delivered to him the certificate of ownership in the possession of this third person in Calamba; that the municipal president of Bauanf sent for the defendant; that the latter went to the house of the president and there had a meeting with Inas in which in which they attempted to settle their differences; that such settlement was finally reached, and that defendant gave Inas on account of the latter's claim P51.00.

On the 26th of March, 1907, Evangelista, presented to the Justice of the Peace of Batangas a complaint charging the municipal president, Alfonso Panopio, with the crime of illegal detention, alleging that the president had unlawfully detained Evangelista for five hours, and had compelled him to make a settlement with Inas. At the preliminary investigation before the Justice of the Peace, Evangelista testified in support of his complaint and stated that he had been arrested by a municipal policeman at the order of the president and had been illegally detained in the latter's house for five or six hours and compelled to make a settlement with Inas. When the case was tried in the Court of First Instance Evangelista testified and said nothing about a policeman. but said that the president had sent for him; that he went to the president's house and had a long conversation with Inas; that the president was disturbed by their being so long in his house because they were making so much noise therein, and told Evangelista testified that he was at liberty to leave the house at any time he wanted to. At the conclusion of

his testimony, the Prosecuting Attorney stated that he had no other witness, and that it was apparent that the testimony of Evangelista did not show the commission of any offense by the municipal president, and that, therefore, he asked that the case be dismissed. This was accordingly done and the judge in the decision ordered Evangelista to be prosecuted for making a false accusation. At the trial of this case for false accusation, Evangelista made no attempt to prove the truth of the charges which he made before the Justice of the Peace. He admitted that such charges were false, and his only defense was that he had been induced to make them by a man named Aranas who had told him that that was the best way to get possession of the certificate of ownership above referred to. It is apparent that the defendant's allegation that he was induced to make this false accusation by Aranas is no defense (Article 1, Penal Code).

It is said in the brief of the defendant in this court that the court below erred in overruling the demurrer to the complaint. The principal defect alleged is that the complaint contains no statement to the effect that the court had ordered the prosecution. It is true that no prosecution can be maintained under Article 327, Penal Code, for false accusation, unless such an order has been made, but it is not necessary to allege that fact in the complaint. That is not one of the facts constituting the defense.

The judgment of the court below is affirmed with the cost of this instance against the defendant.

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