

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. PETRA DE GUZMAN, DEFENDANT AND APPELLANT.

G.R. No. 4146. March 13, 1908

Ponente: MAPA, J.

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MAPA, J.:

The accused was charged with the robbery of 21 cavanos of palay; she was found guilty, and the Court of First Instance sentenced her to the penalty of one year and one day of prision correccional, to return the stolen rice or the value thereof, reckoned at P28.87, or to suffer the corresponding subsidiary imprisonment in case of insolvency, and to pay the costs.

The following facts were proven in this case: The rice said to have been stolen belonged to the estate of a certain Susana de Guzman, a first cousin of the accused. The said Susana had no general heirs, and she executed a will leaving all her property to the son of a niece of hers. Upon the death of Susana her last will was contested by the accused, who, it appears, thought she had the right to inherit from the deceased. Thus matters stood when the accused went to the warehouse where the rice in question was stored, broke open the padlocks that secured the door of the warehouse, and took the rice away. In doing so she apparently believed in good faith that she was the lawful heir of the said Susana. So clearly was she convinced of this (which is not to be wondered at, considering that the accused had barely any education, as stated by the court below) that she said to the warehouse keeper and to others who objected to her taking the rice away, that no one could prevent her doing so because "it was her own property." She paid no attention to anybody when removing the rice from the warehouse, rather to the contrary, she did it publicly, in the presence of several persons, including the keeper and the lieutenant of the barrio where the warehouse was situated, who went to the place in order to render assistance.

It has also been proved by the uncontradicted testimony of the accused that she removed the rice in question from the warehouse in order to pay, as she actually did, with the proceeds thereof, the tax due for the land owned by the late Susana.

The foregoing shows, on the one side, the entire good faith of the accused when considering herself, erroneously perhaps, entitled to dispose as she pleased of the rice in question; and on the other hand, that she did it without intent to obtain gain, inasmuch as she invested the proceeds thereof in the payment of necessary and unavoidable obligations of the estate to which the rice belonged, such as the land tax due by the said estate. The purpose, the intent to obtain gain, constitutes a necessary and essential requisite of the crime of robbery (art. 502, Penal Code), therefore, as gain was not the intention of the accused when she took the rice she can not be considered as guilty of the crime charged. At all events her claim to intervene in matters connected with the aforesaid estate should be contested by & civil action by those who consider themselves prejudiced on account of her conduct.

The judgment appealed from is hereby reversed and the accused acquitted with the costs of both instances de oficio. So ordered.

Arellano, C. J., Torres, Johnson, Carson, Willard, and Tracey, JJ.

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