

THE PEOPLE OF THE PHILIPPINE ISLANDS, PLAINTIFF AND APPELLEE, VS. LORENZO REODICA AND SINFOROSO CORDERO. DEFENDANTS. LORENZO REODICA, APPELLANT.

G.R. No. 42557. December 07, 1935

Ponente: AVANCEÑA, C.J.

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AVANCEÑA, C.J.:

The appellant was sentenced by the Court of First Instance of Palawan, for the falsification of a public document, to an indeterminate penalty of from two years of prison correctional, as the minimum, to eight years and one day of prison mayor, as the maximum.

About the month of July, 1931, the appellant was municipal treasurer of Bacuit, Province of Palawan. The information alleges that he falsified the municipal payroll corresponding to that month by making it appear therein that one, Sinforoso Cordero, rendered services as municipal secretary from July 23 to July 31, which was not true, for said Sinforoso Cordero was absent from the municipality of Bacuit from July 23, 1931, and did not return until 1933.

The evidence discloses that this municipal payroll was submitted to the appellant by the municipal president, already prepared, together with a letter (Exhibit 3) authorizing him to pay Sinforoso Cordero's salary for the second half of that month, and other documents showing that said Sinforoso Cordero was granted a leave of eight days from July 23 to July 31. When this payroll was received by the appellant on July 23, it was already signed and payment thereof approved by the president, with the latter's certification that the services therein mentioned were rendered.

This being the case, the appellant is not guilty of the falsification of this payroll, as alleged in the information, because the president and not he is the one who certifies that the services of the officers mentioned therein were in fact rendered.

However, in view of the leave granted to Sinforoso Cordero from July 23 to July 31, for the purposes of the payment of his salary, this amounted to his having rendered services during this period.

While the information likewise states that the appellant certified in the payroll that he paid Sinforoso Cordero's salary on July 31, 1931, it does not allege, however, that this was not true, and although it appears that the appellant made this payment on July 23, he was not charged with falsification in this sense. At any rate, Sinforoso Cordero having been in fact paid, it was immaterial whether this was done on July 23 or July 31.

Such alterations, even granting that the appellant was responsible therefor, do not affect either the veracity of the document or the effects thereof, and do not constitute the crime of falsification. (Decisions of the Supreme Court of Spain of February 25, 1885, and June 21, 1886.)

For the foregoing considerations, the appealed judgment is reversed, and the appellant acquitted, with costs de oficio. So ordered.

Abad Santos, Hull, Vickers, and Recto JJ., concur.

Judgment reversed and appellant acquitted.

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