

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. EMILIO PIMENTEL, DEFENDANT AND APPELLANT.

G.R. No. 4991. March 12, 1910

Ponente: MORELAND, J.

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MORELAND, J.:

The defendant was convicted of the crime of estafa in the Court of First Instance of the Province of Ambos Camarines under the following information:

"The undersigned accuses Emilio Pimentel of the crime of estafa, committed as follows:

"That on or about the 15th day of August, 1907, in the municipality of Paracale, Ambos Camarines, the said Emilio Pimentel, for the purpose of defrauding Zacarias Riesa, promised to obtain for him from the Court of Land Registration a certificate of title to the land of said Riesa, situated in Manpongo, Paracale.

"That a few days afterwards said Emilio Pimentel, taking advantage of the ignorance of said Zacarias Riesa, delivered to him a document, saying to Riesa at the time that it was a certificate of the title of his land and that it was worth P150 Conant, and maliciously, criminally, and illegally took from him the said amount of P150, in the following form: One carabao valued at P120, and Riesa's promissory note for P30, which he delivered to the said accused in payment for said document; that said document is not a certificate of the title to the said property, but is simply a statement sworn to before a notary public."

No question is raised on this appeal other than that of the sufficiency of the evidence to sustain the conviction.

We are convinced, after a careful reading of the evidence and exhibits in this case, that the allegations of the information are sufficiently proved. The complainant testified that on the 15th of August, 1907, the accused was at his house in Manpongo and that after some talk they agreed that the accused should procure for him a certificate of registration of the title to his land; that on the 20th of the same month the accused returned to the complainant's house, bringing a document, then without the signatures, reading as follows:

"I, Zacarias Riesa y Rayos, married to Alejandra Aguilar, now deceased, of full age, citizen and resident of Paracale, Ambos Camarines, P.I., being of sound mind and memory, voluntarily by these presents show: That for more than thirty years I have been and am now possessing and cultivating without interruption, under claim of title as owner, a parcel of cocoanut land (describing it) of the value of 700 pesos, Conant.

"I further state that my said possession, peaceful and without interruption, for said thirty years during which I have cultivated said land and planted cocoanuts thereon, has not been molested or disturbed by any person, by reason whereof I have acquired the rights of ownership under the existing laws, and as proof I offer two residents of this place who know of their own knowledge that I am the only owner of said land and that I have possessed and occupied it for a period of thirty years without molestation. Said witnesses are Antero Riesa and Tomas Balisbis, who know that I have not been molested in my quiet and peaceable possession during said time.

"I also state that although I have possessed the said land I lack the evidences which prove my title; nevertheless

I have been paying the territorial tax, having declared that I was owner of said land in the municipal secretary's office of Paracale.

"In testimony whereof I execute this instrument in Paracale the 15th of August, 1907.

"ZACARIAS RIESA.

"ANTERO RIESA.

"TOMAS BALISBIS.

"Signed in the presence of -

"EMILIO PIMENTEL.

"EUGENIO DAMAS."

That the accused told complainant that the document which he had and which he presented to him was the certificate of title to the land which he had agreed to get for him; that he asked the accused how much it was and the accused told him P200; that he objected to the price and the accused said that he would take P150; that the accused told him that it was a certificate of title to his property and, being ignorant and unable to read, he accepted his statement and paid him P150, as above set forth; that they thereupon went to the office of the municipal president to make the formal transfer of the carabao on the records. The record of transfer reads as follows:

"This registry shows that Zacarias Riesa, resident of Paracale, municipality of Paracale, Province of Ambos Camarines, as owner, has sold to Emilio Pimentel, resident of Daet, Ambos Camarines, as purchaser, in the sum of P120, a carabao, * * *."

It is dated August 20, 1907.

The testimony of the complainant is corroborated by Ursula Riesa, Pedro Pango, and Francisco Eco.

Certain contradictions in the testimony of Zacarias Riesa were properly regarded by the court below in passing upon the weight of the proofs as unsubstantial in their influence upon the weight of said testimony generally considered.

The document for which the complainant paid the accused the sum of P150 was not, as instantly appears upon reading, the certificate of title which the accused had agreed to obtain. Accordingly his representations to the complainant, made for the purpose of obtaining the P150, were false, and were made by the accused knowing their falsity. By reason of such representations, and relying wholly upon them, the complainant parted with his property, being ignorant, as the accused well knew, of the nature and effect of the instrument he received.

We are satisfied, from a careful reading of the proofs, that the conclusions of the court below are correct. The penalty imposed is within the law. The record discloses no error prejudicial to the substantial rights of the accused. The judgment appealed from is, therefore, affirmed, with costs against the appellant. So ordered.

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

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