

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. AMADEO CORRAL, DEFENDANT AND APPELLANT.

G.R. No. 5325. March 03, 1910

Ponente: ARELLANO, C.J.

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ARELLANO, C.J.:

Amadeo Corral maintained Paz Ramos as his wife or seamstress. The latter left his house and appeared at the police station in Paco and complained that he had illtreated her. Corral came after the woman Ramos and they left the station together. Later, however, Corral appeared at the same station asking if he could cause the woman's arrest because she had left his house, taking with her a trunk and a diamond ring; the sergeant asked him for his address, and in reply he handed him his card (Exhibit C). He then wrote to the justice of the peace of Corregidor Island, inquiring whether he could file a complaint against her in the court of the said justice; his letter having been answered, one day Corral met the wife of the said justice of the peace in Manila, gave her his card (Exhibit E), offered her his services and informed her of the departure of the woman Ramos.

On another day the municipal president of Corregidor received a warrant by mail (Exhibit A), sent for Ramos and said to her: "Here is a warrant and Captain Crame wants you because there is a case against you in the hands of the fiscal." and read to her document A, wherein she is charged with having taken away one trunk and a diamond ring. Juan Mapa appeared before the municipal president with a card from the accused (Exhibit F), and the former surrendered to him the person of Paz Ramos in compliance with the order of arrest, so that he could turn her over to the police in Manila.

Paz Ramos and Juan Mapa came to Manila, and Juan Mapa testifies that: "We got ashore, and I gave the letter, that is, the warrant (Exhibit A) to the first policeman I came across and turned Paz Ramos over to him." Tiburcio Quiogue, who is the policeman above alluded to, testified to the same effect, saying that it was 9 in the evening when he received the paper in the form of an order by Captain Crame, and that no sooner was he about to read the same than Corral made his appearance and told him that he could not consent to the arrest of his wife, and that no attention should be paid to the paper because it was a forged document and that the order it contained was not a real one; he said that whatever the said certificate might be, that he should not read it because it was a falsified document. Hardly had he commenced to read the first words when Corral snatched the paper from his hands and tore it to pieces, throwing them to the ground, from whence they were picked up by Juan Mapa or someone else who was there, and delivered to the policeman. Therefore it was possible to present the document, pieced together, to the court. The document is of the following tenor :

"DEC. 15, 1908.

"The Municipal President of Corregidor.

"Sir: It is desired to know the whereabouts of Senora Paz Ramos (alias) de Corral, a resident of No. 144, interior, Calle San Marcelino, who left on the 4th day of the present month, taking with her one trunk which contained several articles of value, a diamond ring, and several important documents which are now in the

hands of the prosecuting attorney, Mr. George.

"Enclosed I send a copy of the warrant for the arrest of the said woman for proper action.

"To all officers of the law, greeting:

"The arrest of Paz Ramos (alias) de Corral is hereby ordered, she having been charged before me with the crime of theft. Let her be brought over to my presence as soon as possible in order that the law may be applied as it may be proper.

"Given at Manila on the 7th day of December, 1908.

(Signed) "R. ZARAGOZA,
" 'Asst. Prosecuting-Attorney.'

"Very respectfully,

"J. CRAME,
"Captain of Police."

An indorsement on the back of the order of arrest shows that the same was complied with, and that Paz Ramos was sent to Manila by the municipal president of Corregidor, in charge of Mapa.

The accused does not deny Exhibit A, and says that he saw it in the hands of a policeman on the Muelle de la Reina one night in December when, together with Paz Ramos, he was sent to the Cuartel at Meisic where Sergeant Keser asked why he had torn that paper; he answered that it was because it was not an official document, and at the trial he added that it was nothing at all, not an official letter, and that, as he was in bad temper, he tore it up. When questioned as to whether he had read that letter he answered that he read "the first portion of the letter Presidente de Corregidor." "

The Court of First Instance of Manila sentenced the accused to eight years and one day of prison mayor, and to pay a fine of P250, with costs.

The defendant has appealed from said judgment, and the Attorney-General has requested that the same be affirmed, save that the penalty shall be of presidio mayor instead of prison mayor, as imposed in the judgment, with the addition of the accessory penalties prescribed by the law.

In his brief the Attorney-General states that the signature of Captain Crame has been counterfeited with sufficient likeness; that an order of arrest which had not been duly issued by competent authority has been simulated; that an official document has been imitated; that it matters not that the name of the fiscal, who appears to have issued the same, is improperly written, or that the signature of Captain Crame lacks a de, which he uses in signing, or that the document should bear no official seal or heading, because, on the other hand, the official titles "Assistant Prosecuting Attorney" and "Captain of Police," following the signatures, and the wording of the order of arrest, being in due form, are of more importance than the seal, the heading, and the exactness of the signatures in inducing belief in the truth of what was set forth; that this is true to such extent that the municipal president of Corregidor hastened to comply with the order in question, believing it a genuine one contained in a request which he also thought was genuine made by the said captain of police.

As the crime of falsification punished by article 301 in connection with article 300 (No. 1), of the Penal Code has been committed, without any circumstance modifying the liability therefor, the judgment appealed from is in accordance with the merits of the case, the provisions of the law, and the contentions of the Attorney-General.

Therefore, the judgment appealed from is hereby affirmed: Provided, however, that the sentence shall be presidio

mayor and that the accused be further sentenced to suffer the accessory penalties of article 57 of the code with the costs of this instance, and it is so ordered,

Torres, Johnson, Carson, and Moreland, JJ., concur.

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