

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. CELESTINO TOLENTINO, DEFENDANT AND APPELLANT.*G.R. No. 5513. January 15, 1910*

Ponente: CARSON, J.

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On the 13th of June, 1906, Abdon Rufin instituted a civil action in the court of the justice of the peace of Calivo, Province of Capiz, against Victor Rivicencio, for unlawful detention of a certain parcel of land, and during the trial, the appellant, Celestino Tolentino, who was employed by the plaintiff to represent him as his counsel, submitted to the court an informacion posesoria (possessory title) in which the names of various persons are interlined so as to make it appear that they took part in the proceedings looking to the issuance of the said possessory title. The guilt of the accused of the crime of falsifying the document in question by interpolating the names of these persons, notwithstanding the fact that they took no part in the proceedings had pending the issuance of the same, is conclusively established by the evidence of record.

A mere inspection of the document itself clearly discloses that the names interlined therein are not written with the same ink as that with which the rest of the document was written, and the fresher appearance of these inter-lineations tends strongly to disclose that they were inserted recently and long after the original document was executed.

Catalino Macahilig, justice of the peace, who in the year 1895 executed the possessory title, swore that when executed it did not contain the names which appear interlined upon its face, and that the names thus interlined are in the handwriting of the appellant Tolentino, with which the witness was thoroughly familiar, because the appellant had been employed by him for several years as escribiente (clerk).

Venancia Teodosio and Fermin Teodosio whose names appear interlined in the possessory title as present during the proceedings had prior to its issuance and as owners of property adjoining that described therein, testified that they took no part in the proceedings, and were not and are not as a matter of fact owners of any land adjoining that of Abdon Rufin.

And finally Rufin, who was a co-defendant of the appellant, positively denied that he himself had made the interlineations and swore that the document was in the possession and under the control of the appellant for several days before its submission as proof at the trial in the court of the justice of the peace of Calivo.

The defendant did not offer any testimony in his own behalf, and his counsel on appeal relies solely upon his contention that the evidence for the prosecution fails to establish beyond a reasonable doubt that the appellant actually inserted the interlineations in question.

We think the testimony above set out leaves no room for reasonable doubt upon this point, and that the finding by the trial court of the guilt of the accused of the crime of falsification of a public document, defined and penalized in section 6 of article 300, taken together with article 301, of the Penal Code, must be sustained.

The judgment of conviction and the sentence imposed by the trial court should be affirmed, with the costs of this instance against the appellant. So ordered.

Arellano, C. J., Torres, Mapa, Johnson, Moreland, and Elliott, JJ., concur.

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