

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. SANTIAGO ESPIA, DEFENDANT AND APPELLANT.

G. R. No. 5813. August 27, 1910

Ponente: JOHNSON, J.

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JOHNSON, J.:

The defendant was charged with the crime of larceny of a carabao of the value of P150, the property of one Liberto Ortizo.

He was duly arrested and tried in the Court of First Instance of the Province of Iloilo, found guilty, and sentenced to be imprisoned for a period of six months of arresto mayor and to pay the costs. From that sentence the defendant appealed.

An examination of the evidence establishes the fact, beyond peradventure of doubt, that the animal described in the complaint was stolen from its owner, Liberto Ortizo, on or about the 24th of December, 1908; that the said carabao, in the month of August, 1909, was found in the possession of the defendant; that the defendant was unable to make any satisfactory explanation showing how he became the possessor of said carabao. It being proven that the carabao was stolen, and being found in the possession of the defendant without his being able to give a satisfactory explanation as to how he came into possession of the same, is sufficient proof to justify his conviction of the crime of larceny of the said carabao. (U. S. vs. Soriano, 9 Phil. Rep., 441; U. S. vs. Santillan, 9 Phil. Rep., 445; U. S. vs. Soriano, 12 Phil. Rep., 512.) Men who come honestly into the possession of property have no difficulty in explaining the method by which they obtained such possession. The judgment of the lower court is, therefore, hereby affirmed with costs.

Arellano, C. J., Torres, Moreland, and Trent, JJ., concur.

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