

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. CRISTOBAL GROSPE (ALIAS CAYETANO ASUNCION), DEFENDANT AND APPELLANT.

G.R. No. 6222. December 10, 1910

Ponente: TRENT, J.

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TRENT, J.:

Cristobal Grospe, alias Cayetano Asuncion, was charged in the Court of First Instance of the Province of Tarlac with the crime of falsification of a private document. After due trial he was found guilty as charged and sentenced to one year eight months and twenty-one days of presidio correccional, to pay a fine of 625 pesetas, to suffer the corresponding subsidiary imprisonment in case of insolvency, and to pay the costs of the cause. From that judgment he appealed.

In the month of April, 1909, the defendant was employed by the Tarlac Railway Company as capataz in charge of the laborers on the road. As such employee he was under obligation to turn over daily to the superintendent of the company a list showing the names of the laborers under his charge. In compliance with this obligation he made out and signed Exhibit A, which is the daily time report for the 20th of April. According to this report, the defendant had eleven laborers in his gang on that day and upon this report these eleven men were paid, at a fixed rate, for their services". It later developed that only five out of the eleven men had worked for the railroad company on the 20th of April. By reason of this false report, made by the defendant, the railroad company paid six men for services which they never performed, thereby prejudicing the company to the amount of the wages paid these six laborers for that day. The first explanation given by the defendant as to why he included these six names when in fact only five had worked was that he was induced to do so by one Narciso Cordero, while on the trial he changed this statement and insisted that the eleven men named in this private document did actually work on the 20th of April. It has been clearly shown, however, that only five of these eleven men worked on that date.

Previous to this time the defendant had been an employee of the same company, and, according to a statement made by him to one Thomas Embry, he had been dismissed on account of having stolen certain property belonging to the company, and that he changed his name to Cayetano Asuncion to avoid detection.

Article 304 of the Penal Code provides as follows:

"He who, to the prejudice of a third person or with intent of causing it, shall, in a private document, commit any of the falsifications specified in article 300 shall be punished with the penalties of presidio correccional in its minimum and medium degrees and a fine of from 625 to 6,250 pesetas."

Article 300 of the same code provides, in part, as follows:

"The penalties of cadena temporal and a fine of from 1,250 to 12,500 pesetas shall be imposed on a public official who, taking advantage of his authority, shall commit a falsification.

"2. By including in any act the participation of persons who had no such participation.

"4. By perverting the truth in the narration of facts."

The defendant not only included in his report the names of these six men as having worked on that day when, in fact, they did not work, but by so doing he perverted the truth in the narration of facts. There was not only an intent to prejudice and damage the company by this act, but actual damage or loss was sustained by the company, inasmuch as it has been shown that the company parted with its money when it paid these six men by reason of this false report.

The judgment of the lower court being in accordance with the law and the merits of the case, the same is hereby affirmed, with costs against the appellant: Provided, however, That he be also sentenced to the corresponding accessory penalties as provided by law.

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

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