

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. LAZARO TABUYO, DEFENDANT AND APPELLANT.

G.R. No. 6475. August 09, 1911

Ponente: MORELAND, J.

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MORELAND, J.:

This is an appeal from a judgment of the Court of First Instance of the Province of Ilocos Norte, Hon. Dionisio Chanco presiding, convicting the appellant of violating the Election Law and sentencing him to pay a fine of P200, subsidiary imprisonment in case of insolvency, and to pay the costs of the trial.

On the 25th day of December, 1909, the provincial fiscal of Ilocos Norte presented an information to the Court of First Instance of that province, charging the appellant with having voluntarily and illegally caused his name to be registered as a qualified voter of the municipality of Badoc, Ilocos Norte, on the 24th day of September, 1909, knowing that he did not have the qualifications of an elector in that he was delinquent in the payment of his territorial tax for the year 1909.

The only proof presented by the appellant upon the trial consisted of a receipt issued by the municipal treasurer showing that the tax had been paid by the appellant on the 25th day of September, the day following his registration, and the statement of the accused in his own behalf that before attempting to register himself as a voter he had delivered the money for the payment of said tax to the teniente of the barrio, with the request that he pay the same and take a receipt therefor; that, having done so much, he honestly believed at the time he took the oath required for registration as an elector, and at the time he registered, the tax had been paid and that he was a duly qualified elector entitled to register.

This defense of the accused is supported by his testimony only. He does not present the testimony of the teniente of the barrio or any other person to support his naked allegation. This court has already held that where it appears that the oath taken as a prerequisite to registration is false, as admitted by the appellant in this case, that fact, taken in connection with the other fact, that whether or not the said tax had been paid is something which the accused ought to know better than anyone else, said fact being by the very nature of the case particularly within his own knowledge, the prosecution has made out a case against him, and it is incumbent upon him to present facts from which it may reasonably be inferred that he had no guilty knowledge of his delinquency at the time of his registration. No such facts have been shown. It does not appear that he made the slightest investigation before taking the oath as to whether or not the tax had been actually paid. He took no steps before taking a solemn oath to ascertain whether or not the facts to which he was to testify were true or false. Under such circumstances it can not be said that the accused performed the duty which he obviously owed to himself as well as to the State.

For these reasons, the judgment of conviction is affirmed, except that if the fine imposed is not paid, the accused shall serve subsidiary imprisonment in payment thereof at the rate of P2.50 a day instead of P2 a day as decreed by the court below. So ordered.

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

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