

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. ANTERO INOSANTO, DEFENDANT AND APPELLANT.

G.R. No. 6896. October 23, 1911

Ponente: ARELLANO, C.J.

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ARELLANO, C.J.:

The hearing on the appeal raised in this case has disclosed the following facts:

- The crime under prosecution consists of the making of a false entry in a registry book of births of the municipality of Libacag, Province of Capiz, by recording therein that the girl Maxima, the daughter of Caridad Zausa, was the latter's legitimate daughter and that her father was Pedro Zausa, when in fact he was not her father and she was not the legitimate, but the natural daughter of Caridad Zausa.

- Antero Inosanto was charged with having committed this falsification in an official register, as he was the municipal secretary whose duty it was to keep the same, and because, according to the complaint, he wrote and recorded in the said register the following words: "Maxima Zausa, legitimate daughter of Pedro Zausa and Caridad Zausa," which words are contrary to and different from those uttered by Pedro Zausa; the said Inosanto thus perverting the truth in the narration of the facts.

- Martin O. Ruiz, the successor of Antero Inosanto to the office of municipal secretary, a witness for the prosecution, testified that he could not positively identify the writing of the entry in the register of births, aforementioned, as being that of Antero Inosanto, and, on cross-examination by the defense, stated that he knew the writing of the accused and did not believe that the entry in question was made by Inosanto, while he did identify the handwriting of other entries in that register as being that of the latter.

- According to this same witness, there is furthermore a certificate of birth, and there was issued a corresponding birth certificate for Maxima Zausa, which was presented as evidence in this case. This birth certificate is a copy of the entry, and the witness positively asserts that the handwriting is that of Vicente Coronel, an assistant to the former municipal secretary, Antero Inosanto.

- Antero Inosanto also issued a certificate which, according to the same witness, is made out and delivered when requested, and was presented in evidence as Exhibit C. There is no doubt that this certificate was issued by Antero Inosanto. It, also, is an exact reproduction of the falsified entry found in the register of births.

- The Court of First Instance of Capiz, which tried the case, found from the evidence that it was not Inosanto, but his clerk, Vicente Coronel, who recorded the birth, and that, at the time Pedro Zausa presented himself, Inosanto was in the council chamber, where the council was holding a session.

- Although the trial court did not consider the defendant guilty of the falsification committed in the register itself, it held him liable for the falsity contained in the certificate, Exhibit C, issued in accordance with that entry, for the reason that he knowingly recorded a falsehood, for he knew that the child Maxima Zausa could not be the legitimate daughter of Pedro and Caridad, knowing that Caridad was Pedro's daughter, and, instead of correcting and rectifying the entry in the register book, ratified and sanctioned the falsification therein committed, by his issuance of this certificate.

By virtue of these findings the court held that the defendant was guilty of the crime penalized by article 310 of the Penal Code and accordingly sentenced him to suspension from public office for a period of three years, four months and one day, to pay a fine of 325 pesetas and, in case of insolvency, to the corresponding subsidiary imprisonment, and to the payment of the costs.

The Attorney-General, in this instance, is of the opinion that, leaving aside the question as to whether the defendant could issue the certificate Exhibit C and record therein facts contrary to or different from those contained in the register book without incurring the crime of falsification with which he is charged, Antero Inosanto certainly can not be sentenced under the said article 310 of the Penal Code, inasmuch as the Exhibit C is not a certificate of merit or service, of good conduct, of poverty or of other similar circumstances, that is to say, of purely personal things or accidentals, according to the interpretation given to the words of this last phrase by the supreme court of Spain in its decision of February 17, 1877; but that it is a certificate of an inscription in a register under his charge, with the data of which it substantially agrees. Therefore he concluded that, with a reversal of the judgment appealed from, the defendant should be acquitted, and the costs assessed de oficio.

In entire agreement with the preceding opinion, the judgment appealed from is reversed and the defendant acquitted, with the costs de oficio.

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

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