

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. ROGACIANO R. RIMON, DEFENDANT AND APPELLANT.

G.R. No. 6940. August 15, 1912

Ponente: TRENT, J.

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TRENT, J.:

The defendant, Rogaciano R. Rimon, was charged with having; violated section 9 of Act No. 1508, known as the Chattel Mortgage Law. He was found guilty as charged and sentenced to pay a fine of seven hundred pesos, to the corresponding subsidiary imprisonment in case of insolvency, and to the payment of the costs of the cause. From this judgment the defendant appealed.

On the tenth day of August, 1910, the defendant was indebted to one Jose Oliver in the sum of P350. On the same day, to secure payment of this debt, he executed to the said Oliver a chattel mortgage upon piano No. 20459, mark Chassaigne Freres. Subsequently, and without the permission of the mortgagee, the defendant removed the piano from the city of Manila, where it was at the time the mortgage was executed, and sent it to Calivo, Province of Capiz, without having satisfied the mortgage. The mortgagee knew nothing of the removal of the piano until he discovered that it was aboard the steamer billed for Calivo, when it was too late to obtain possession of the piano before the sailing of the ship.

Sections 9 and 12 of Act No. 1508 read:

"Sec. 9. No personal property upon which a chattel mortgage is in force shall be removed from the province in which the same is located at the time of the execution of the mortgage without the written consent of the mortgagor and mortgagee, or their executors, administrators, or assigns."

"SEC. 12. If a mortgagor violates either of the three last preceding sections he shall be fined a sum double the value of the property so wrongfully removed from the province, sold, pledged or mortgaged, one half to the use of the party injured and the other half to the use of the Treasury of the Philippine Islands, or he may be imprisoned for a period not exceeding six months, or punished by both such fine and imprisonment, in the discretion of the court."

The acts complained of clearly constitute a violation of these two sections.

The judgment being strictly in accordance with the law and the merits of the case, the same is hereby affirmed, with costs against the appellant.

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

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