

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. JOSE BENGSON, DEFENDANT AND APPELLANT.

G.R. No. 7015. August 19, 1912

Ponente: JOHNSON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-7015/>

JOHNSON, J.:

This defendant was charged with the crime of illegal exaction, in a complaint which contained the following allegations:

"That the said accused, in or about the month of October, 1907, in the pueblo of Urdaneta of the Province of Pangasinan, while he was justice of the peace of the said pueblo of Urdaneta and was conducting a preliminary investigation relative to the theft of some carabaos belonging to Benigno Lucero and Esteban Larosa, did maliciously, unlawfully and criminally demand and exact of the said Benigno Lucero and Esteban Larosa, when they appeared before him to demand as owners their respective carabaos, held for safe-keeping as a result of the aforesaid preliminary investigation, that they each pay him the sum of P6 in order that they might have the said animals returned to them and that they might not be sent with such carabaos to the Court of First Instance in Lingayen; and the said Benigno Lucero and Esteban Larosa, desirous of regaining their respective carabaos and acceding to the demands of the accused, Jose Behgson, did each deliver to him the sum of P6, and when they requested of him receipts for these payments the said accused, Jose Bengson, did refuse to give them such: acts constituting the said crime of illegal exaction, defined and penalized by article 399, in connection with articles 534 and 535, No. 1, of the Penal Code, and performed within the jurisdiction of this Court of First Instance; in violation of law."

After hearing the evidence adduced during the trial of the cause, the Honorable Isidro Paredes, judge, found the defendant guilty of the crime set out in the complaint and sentenced him to be imprisoned for a period of two months and one day of *arresto mayor*, with the accessory penalties of the law, to return to the offended parties the sum of P6 each, with the additional penalty of eleven years and one day of *inhabilitacion especial temporal*, with subsidiary imprisonment in case of insolvency, and to pay the costs.

From that sentence the defendant appealed and made the following assignments of error in this court:

"I. The evidence does not prove any crime against the defendant.

"II. The judgment really sentences the defendant for the crime of *estafa*, while he was charged with the crime of illegal exaction."

From an examination of the record certain facts appear to be proven beyond dispute. They are as follows:

That for some years prior to the commencement of the present criminal action, the defendant," Jose Bengson, had been justice of the peace of the municipality of Urdaneta of the Province of Pangasinan, and that one Francisco Austria, had been acting as his clerk or *escribiente*; that said clerk or *escribiente* had been working for said justice of the peace for a long period without any salary whatever; that several months prior to the commencement of the present action, the said justice of the peace had dismissed said clerk and refused to permit him to continue to act

as said clerk or escribiente; that during the time the defendant was acting as said justice of the peace, borne carabaos belonging to Benigno Lucero and Esteban Larosa had disappeared (perhaps had been stolen); that the carabaos were found by the police and taken to the municipality of Urdaneta and were later identified as the carabaos of the said Benigno Lucero and Esteban Larosa; that a preliminary investigation was made, after which the carabaos were returned to their respective owners; that for some reason which the record does not disclose, the justice of the peace desired to remand the record of such examination to the Court of First Instance of the Province of Pangasinan and that he required of the owners of said carabaos their documents in order that they might accompany the record to the Court of First Instance; that the owners of the carabaos desired to retain the originals of said documents, whereupon the justice of the peace directed his secretary (Francisco Austria) to prepare copies of said original documents (which copies appear in the record as Exhibits A and B); that the secretary prepared the copies (Exhibits A and B) and later returned the originals to the owners of said carabaos; these documents seem to have been prepared some time in the year 1907.

The said Benigno Lucero and Esteban Larosa now allege that the defendant (Jose Bengson) as justice of the peace, required each of them to pay him the sum of P6 before he (the defendant) would deliver to them the copies (Exhibits A and B) of the documents for their carabaos. The defendant denies that he required the owners of the carabaos to pay him P6 or any other sum for the said copies. The defendant alleges that his escribiente, Francisco Austria, collected from Benigno Lucero and Esteban Larosa the sum of P6. Benigno Lucero and Esteban Larosa testify positively that they each paid to the defendant the Sum of under the circumstances alleged in the complaint. Francisco Austria declared that these persons had paid to the defendant each the sum of P6. The defendant denies positively that he required or received of said persons any sum whatever. In addition to the declarations of the defendant, we have the positive declarations of two or three witnesses who appear to be creditable, to the fact that in the year 1908, perhaps more than a year after the alleged payment of said sums, the said Benigno Lucero and Esteban Larosa appeared in the office of the justice of the peace of the pueblo of Urdaneta and presented a complaint against Francisco Austria, signed and sworn to by Benigno Lucero, charging the said Austria with the crime of estafa, alleging that the said Austria had voluntarily, ilfegally and criminally exacted from Benigno Lucero and Esteban Larosa, each the sum of P6. In support of the declaration of these apparently creditable witnesses, the said complaint was presented during the trial as evidence and marked Exhibit B. Exhibit B also discloses that a warrant was issued for the arrest of the defendant, Francisco Austria; that he was arrested and gave bond for his appearance for trial before the said justice of the peace; that the time was set for said hearing of said cause on or about the 6th of October, 1908, and that for some reason the defendant (Austria) asked that the trial of the cause be set down for the 12th of October, 1908; on the 12th of October, the trial of the cause was again postponed until the 16th of October at 9 o'clock a.m.

The name of Benigno Lucero is signed by a cross to the complaint presented against Francisco Austria. Two or three witnesses swore positively that they saw the said Lucero put his cross upon the complaint. The name of Benigno Lucero also appears again by cross in Exhibit A, attested by Pablo Manzano, auxiliary justice of the peace of said pueblo. Exhibit A is an order of the justice of the peace of said pueblo transferring the hearing of the cause against Austria from the 12th to the 16th of October, 1908. Notwithstanding the facts contained in Exhibits A and B presented by the defense, Benigno Lucero and Esteban Larosa deny positively that such complaint was ever presented against Francisco Austria. Francisco Austria's name also appears upon the different orders found in Exhibits A and B made by the justice of the peace.

The defendant herein testified, and the fact is not denied, that flrior to the time of the trial of the cause commenced, against Francisco Austria, certain charges had been preferred against him (the defendant) for administrative investigation and for that reason he had directed his auxiliary justice of the peace to take charge of and conduct all proceedings pending in the office of the justice of the peace of said pueblo.

The appellant alleges that Francisco Austria, whom he had dismissed as his clerk or escribiente, had willfully and maliciously instituted not only the present action, pending against him, but all of the charges which had been presented for administrative investigation.

In view of the fact that the prosecuting witnesses in the present action, Benigno Lucero and Esteban Larosa, had, nearly a year prior to the commencement of the present action, caused a complaint to be presented against Francisco Austria, charging him with the same crime which now they impute to the defendant, we are inclined to believe that the allegations in the complaint in the present action are not true and that the theory of the defendant that the present proceedings were brought solely for the purpose of annoying and prejudicing him, is true.

Without discussing the assignments of error presented here by the appellant, and in view of the proof contained in Exhibits A and B of the defense, we are of the opinion that the defendant is not guilty of the crime charged and that the complaint against him should be dismissed and that he should be discharged from the custody of the law, with costs de oficio. So ordered.

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

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.