

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. MELECIO ARGONZA, DEFENDANT AND APPELLANT.

G.R. No. 8191. March 04, 1913

Ponente: JOHNSON, J.

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JOHNSON, J.:

This defendant was charged with a violation of section 1 of Act No. 1740. The complaint alleged:

"That the said Melecio Argonza did, in the municipality of Lallo, Province of Cagayan, P. I., on or about or during the months of the year 1910, arid up to October 2, 1911, while he was the municipal treasurer of the said pueblo and a deputy of the provincial treasurer, gather, collect and receive in such capacity, little by little and successively from various residents of the said municipality of Lallo to the number of about 150, after he himself had branded the respective cattle of the said residents, various sums aggregating a total amount of P214 which belonged to the public funds, on and for the following accounts; some as payment for certificates of ownership of large cattle, others as fines for violations of section 34 of Act No. 1147, and the rest for certificates of transfer; that it was the duty of the said accused, Melecio Argonza, upon receiving and collecting in the manner hereinabove stated the sums aforementioned aggregating the said amount of P214, belonging to the public funds, immediately to turn the same into the municipal treasury as fast as they were received and issue receipts for and record them in the proper books; that the accused did not do so, but did, voluntarily, unlawfully and criminally and with the manifest intent to derive gain from the said sum, divert, abstract and appropriate the same and fail to turn it into the municipal treasury in due season, to account for the same at any time up to October 2, 1911, to record it in the proper books and to issue the official documents for which the said accused collected and received the aforesaid sum; in violation of law."

After hearing the evidence, the Honorable Carter D. Johnston, judge, found the defendant guilty of the crime charged and sentenced him to be imprisoned for a period of three months, to be forever disqualified from holding any public office or employment of any nature whatever in the Philippine Islands, and to pay the costs. From that sentence the defendant appealed to this court.

From an examination of the record the following facts seem to be proved:

- That the defendant on the 2d of October, 1911, and for some time theretofore had been the treasurer of the pueblo of Lallo, Province of Cagayan, and deputy of the provincial treasurer of said province.
- That as said municipal treasurer he went into the various barrios of his pueblo for the purpose of registering and marking cattle and for collecting the fees therefor.
- That said work of registering and marking the animals in the barrios of his pueblo was done in the later months of the year 1910 and the first months of 1911.
- That at the time of the registration and the collection of the fees therefor, the defendant did not have the official blank receipts with him, and therefore did not issue to the people said receipts. In each case, however, the defendant directed the persons whose animals were registered and from whom the fee for registration had been

collected to come to his office and he would then and there issue to them the official receipt.

- From time to time the persons whose cattle had been registered and who had paid the fee therefor, appeared at the office of the defendant and received their official receipt.
- That the money which the defendant had collected as above described was kept by him in a box separate and apart from the public funds which belonged to his office.
- There is nothing in the record which shows that any of the persons whose cattle had been registered and who had paid the fee therefor had been refused the official receipt upon application.
- At or about the time the present action was commenced, an investigation of the office and of the official conduct of the defendant was made and it was then found that he had of the moneys collected as above described the sum of P214. It was also discovered that he had carefully made a list of all of the persons from whom he had collected money as above described and had preserved the same, noting after each name the amount of money collected.
- Upon the order of the provincial treasurer the said sum of P214 was put into the treasury of said municipality and became a part of the public funds.

From all of the foregoing it appears that the defendant had collected money which belonged to the public treasury; that said money had been duly paid to the Government. There is no evidence that he had appropriated or had intended to appropriate a single centavo to his own uses or purposes. He had not only put the money into the public treasury but he had rendered an account for the same. It is possible that he had violated some regulation of the treasury department of the Philippine Islands in not issuing receipts to the persons from whom the money was collected at the time of collection. For that conduct he had been duly disciplined by being dismissed from the service, but certainly he can not be imprisoned for a violation of a mere regulation of that character. There is absolutely nothing in the record which justifies a conviction of the defendant of the crime charged. The sentence of the lower court is therefore hereby reversed, the complaint against him is hereby dismissed, and it is hereby ordered that he be discharged from the custody of the law, with costs de officio.

Arellano, C. J., Torres, Moreland, and Trent, JJ., concur.

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