

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. CORNELIA BALLESTEROS, DEFENDANT AND APPELLANT.*G.R. No. 8855. October 22, 1913*

Ponente: CARSON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-8855/>**CARSON, J.:**

This is an appeal from a judgment of the Court of First Instance of Cagayan Province convicting the defendant and appellant of a violation of section 33 of Act No. 1147, and sentencing her to pay a fine of P150, and in case of insolvency to suffer the corresponding subsidiary imprisonment as prescribed by law.

The information charges: "That on or about July 1, 1912, in the municipality of Piat, Province of Cagayan, P. I., the said Cornelia Ballesteros did willfully, unlawfully and criminally slaughter and cause to be slaughtered for public consumption a carabao, without having previously obtained due permission from the municipal treasurer."

The appellant, while admitting the slaughter of the animal in violation of section 33 of Act No. 1147, contends that she should not be held criminally responsible therefor, because, as she alleges, one Bernabe Aquino, the councilman for her barrio, had promised her that he would get a permit, and because she had authorized Aquino to have the animal slaughtered, relying on that promise. Aquino flatly contradicted her in so far as she claimed that he had promised to secure a permit, and swore that in answer to his inquiry before the animal was killed, she said that she had the necessary permit.

The testimony was so conflicting that the trial judge was unable to make a finding as to just what did in fact take place between Aquino and the defendant. He evidently did not believe that either one or the other had told the truth, the whole truth and nothing but the truth as to their connection with the unauthorized slaughter of the carabao.

After a careful review of all the evidence we are forced to agree with the trial judge. We are inclined to believe that both Aquino and the defendant participated. in the illegal slaughter of the animal, well knowing that the required license had not been issued; we think that their conflicting testimony in this regard was the result of an attempt on the part of each of them to throw the blame upon the other's shoulders.

But however this may be, we are of opinion and so hold, that the defendant failed to establish her claim in the court below, that she ordered the animal slaughtered with the understanding, made in good faith, that Aquino would secure the necessary permit before it was killed. She claims that she gave Aquino one leg of the animal on the understanding that he would get the permit and have it slaughtered ; but we are satisfied that although she well knew that the slaughter of the animal without a permit was unlawful, she made no effort, in good faith, to secure the necessary permit. We are strongly inclined to believe that if she did in fact give one leg of the animal to Aquino, it was in consideration of his services in slaughtering it, and with the understanding that he, as councilman, would hold her harmless in the event that any question should arise as to the lack of a permit. Certain it is that she ordered the animal slaughtered, well knowing that she had no permit; that she made not the slightest effort to satisfy herself that a permit would be or was in fact issued before the animal was slaughtered in

compliance with her orders; that when the carcass was delivered to her she made not the slightest effort to ascertain whether the law had been complied with in this regard; and that her conduct as disclosed by all the evidence of record justifies us in concluding that she made no such effort at compliance with the law as would justify us in holding that there was no criminal intent in her violation of its provisions.

When the unlawful acts charged against an accused are established by competent evidence, criminal intent may be and will be presumed, unless such intent is rebutted by the introduction of evidence sufficient to overcome this presumption and satisfactorily disclosing the absence of such criminal intent. (U. S. vs. Tria, 17 Phil. Rep., 303.)

The judgment of the court below convicting and sentencing the defendant and appellant should be and is hereby affirmed, with the costs of this instance against the appellant.

Arellano, C. J., Torres, Mapa, Moreland, 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.