

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. PEDRO RAMPAS, DEFENDANT AND APPELLANT.

G.R. No. 9146. November 26, 1913

Ponente: MORELAND, J.

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MORELAND, J.:

This is an appeal from a judgment of the Court of First Instance of the Province of Ambos Camarines convicting the accused of the crime of presenting as evidence in the trial of a case a falsified private document, and sentencing him to six months *arresto mayor* in the provincial jail, to pay a fine of 1,000 pesetas, with subsidiary imprisonment in case of insolvency, and to pay the costs.

The information is as follows; "That on or about the 16th of May, 1911, in the court of the justice of the peace of Talisay, Ambos Camarines, hearing was had in civil cause No. 59, docket of the court of the justice of the peace of Talisay, between the complainant Chinaman Agapito Carranceja and the defendant Pedro Rampas, regarding a sum of money; that the accused Pedro Rampas, with intention of gain and to the prejudice of said Chinaman Agapito Carranceja, and knowingly, maliciously, criminally and illegally presented as evidence in said cause the falsified receipt Exhibit B attached to the record, in which it is made to appear that the aforementioned Chinaman Agapito Carranceja is indebted to the accused Pedro Rampas for the sum of P500; contrary to law."

The prosecution presented evidence showing that on the trial of civil case No. 59 in the court of the justice of the peace of Talisay, Ambos Camarines, in which a certain Chinaman, Agapito Carranceja, was plaintiff and the accused in this case defendant, the latter presented as evidence of the payment of the debt sued upon a receipt for P500 which he alleged bore the genuine signature and seal of said Agapito Carranceja; that said signature and seal were not those of the said Agapito Carranceja and that the accused had himself made the characters appearing upon said receipt and that he himself was the author of said receipt.

The evidence in this case fully supports the finding of the trial court that the accused himself manufactured the document which he introduced in evidence. As to that fact there remains no doubt.

It is urged, however, that the accused cannot be convicted of the crime charged because the document introduced in evidence is not one of those described in article 304 in connection with article 300 of the Penal Code in that it is not a document which has been falsified, it appearing that the characters and marks placed upon the document as the signature of the Chinaman were not really his signature and that the accused, therefore, did not imitate the signature of the Chinaman. Authorities are cited to the effect that in order that the crime of falsification of a private document be committed, it is necessary that the author of the document shall have imitated the signature of the person who purports to execute it. Without discussing this phase of the question, we may say that we are convinced under the evidence that there was an attempt to imitate the signature of the Chinaman and that the imitation was as close as it could be under the circumstances, such signature being in Chinese characters and the imitator being a somewhat ignorant Filipino, unacquainted with Chinese characters and their signification. There is, however, sufficient similarity between the genuine signature of the Chinaman and that upon the receipt to

indicate an attempt to imitate. In order to constitute an imitation it is not necessary that the imitation be perfect or that it be even sufficient to deceive a person well acquainted with the signature sought to be imitated. It is necessary only that there be an intent to imitate, an attempt to imitate, and that the two signatures, the genuine and the forged, bear some resemblance to each other. In the case at bar the first character in the genuine signature is very closely imitated in the forged. The other Chinese characters in the forged signature do not so closely resemble those of the genuine. But there is sufficient resemblance upon which to found the conclusion that the accused had the intention and attempted to imitate the signature of the Chinaman and that he succeeded to a reasonable extent under all the circumstances.

The penalty should be modified. He is sentenced under article 305. The penalty should be four months of arresto mayor. As so modified, the judgment is affirmed in all of its, parts, with costs.

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

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