

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. ATANASIO CLARAVALL ET AL., DEFENDANTS AND APPELLANTS.

G.R. Nos. 10053 and 10055. October 19, 1915

Ponente: JOHNSON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-nos-10053/>

JOHNSON, J.:

On the 23d of September, 1913, the prosecuting attorney of the Provinces of Cagayan and Isabela presented complaints, in the Courts of First Instance of said provinces, charging the defendants with the crime of larceny alleged to have been committed as follows: "The undersigned charges Atanasio Claravall, Antonio Raymundo, Manuel San Jose, Cosme Hermoso, and Roman Belo with the crime of theft, provided for and punished by articles 517 and 518, No. 3 in connection with the circumstance No. 8 of article 10, of the Penal Code, committed as follows:

"That on or about the 9th day of February, 1913, in the municipality of Ilagan, Province of Isabela, P. I., the said Atanasio Claravall, Antonio Raymundo, Manuel San Jose, Cosme Hermoso, and Roman Belo did for the purpose of carrying out their criminal intent, willfully, unlawfully and criminally (the first of these accused being employed in the district engineer's office and using cunning, namely, assuring the watchman of the warehouse containing material for the schoolhouse in course of construction, in which was a certain number of sheets of galvanized iron, that said accused was responsible for said sheets) seize through means of said cunning, remove and take with intent of gain, 50 galvanized-iron sheets valued at P128.15 and belonging to another, against the will of their owner, the municipality of Ilagan, Isabela, and of the district engineer who had charge of said sheets. Acts committed in violation of law."

The foregoing complaint was the complaint presented against the defendants in said cause No. 10053.

On the same day (23d of September, 1913) the prosecuting attorney presented another complaint, which is the complaint in cause No. 10055, against the defendants charging them with the crime of larceny, alleged to have been committed as follows: "The undersigned charges Atanasio Claravall, Antonio Raymundo, Manuel San Jose, Cosme Hermoso, and Roman Belo with the crime of theft, provided for and punished by articles 517 and 518, No. 3 in connection with the circumstance 8 of article 10 of the Penal Code, committed as follows:

"That on or about the 10th day of February, 1913, in the municipality of Ilagan, Province of Isabela, P. I., the said Atanasio Claravall, Antonio Raymundo, Manuel San Jose, Cosme Hermoso and Roman Belo did willfully, unlawfully and criminally, for the purpose of carrying out their criminal intent, (the first of these accused being employed in the district engineer's office and by using cunning, namely, assuring the watchman of the warehouse containing material for the schoolhouse in course of construction, among which material was a certain number of galvanized-iron sheets, that said accused was responsible for said sheets) seize by means of said craft, remove and take, with intent of unlawful gain, 25 galvanized-iron sheets, valued at P64.07. belonging to another, against the will of their owner, the municipality of Ilagan, Isabela, and the district engineer who had charge of the said sheets. Acts committed in violation of law."

Upon said complaints, warrants of arrest were issued and each of the defendants was arrested, brought before the

court, arraigned, plead not guilty, tried, found guilty, and each sentenced to be imprisoned. The sentence of the lower court in case No. 10053 was as follows. Atanasio ClaravaU was sentenced to be imprisoned for a period of one year and eight months of presidio correctional; Antonio Raymundo, Cosme Hermoso, and Roman Belo were each sentenced to be imprisoned for one year and one month of presidio correctional; Manuel San Jose was found guilty as an accomplice, and sentenced to be imprisoned for four months and one day of arresto mayor. Each of the defend- ants was sentenced to pay one-fifth part of the costs. No indemnity was imposed against the defendants for the reason that the property stolen had all been recovered.

In cause No. 10055 each of the defendants was found guilty and sentenced as follows: Atanasio ClaravaU was sentenced to be imprisoned for one year and eight months of presidio correctional; Antonio Raymundo, Cosme Hermoso, and Roman Belo were each sentenced to be imprisoned for one year and one month of presidio correctional. Manuel San Jose was found guilty as an accomplice and sentenced to be imprisoned for four months and one day of arresto mayor. Each of said defendants was sentenced to pay one-fifth part of the costs. No indemnity was imposed against the defendants, for the reason that all of the property stolen had been recovered by the Government.

From each of the sentences above imposed by the lower court, the defendants appealed to this court. At the beginning of the trial the attorney for the defendants and the prosecuting attorney entered into an agreement to the effect that the two cases should be tried together, and that the evidence adduced should be considered, so far as it was applicable, in both cases. The only difference in the two cases was in the quantity of property stolen, and the date on which it was stolen.

From an examination of the evidence adduced during the trial of the cause, we find that the following facts were proven, beyond a reasonable doubt:

First. That in the month of February, 1913, the municipality of Ilagan, of the Province of Isabela, was building a schoolhouse of cement and galvanized iron.

Second. That the defendant, Atanasio Claravall, in the month of February, 1913, was an employee in the office of the district engineer of that district; that the construction of said schoolhouse was under the direction of the district engineer.

Third. That the municipality had purchased for use in the construction of said schoolhouse, a large number of sheets of galvanized iron which were stored in the storehouse near where the schoolhouse was being constructed; that said storehouse was in charge of a watchman by the name of Crispulo Allayban.

Fourth. That in the month of February, 1913, the defendant, Antonio Raymundo, had been granted permission to erect a camarin upon the land belonging to the said Claravall, which camarin was to be covered with iron roofing.

Fifth. That on the 9th of February, 1913, the said ClaravaU went to said watchman (Allayban) and told him that certain cartmen would come to said storehouse to get some of the galvanized iron roofing stored therein; that the said watchman refused to permit the galvanized iron to be taken away, in the absence of the district engineer; that Claravall stated to the watchman that he, in the absence of the district engineer, would be responsible; that on the night of the 9th of February, or between three and four o'clock in the morning of the 10th, one Pedro Teodoro, an employee of the defendant Raymundo, together with two other of Raymundo's employees, Cosme Hermoso and Roman Belo, arrived at the storehouse with two carts and loaded on said carts, fifty sheets of the said galvanized iron; that the said Claravall and Raymundo were person-ally present at the time the galvanized iron was taken out of the storehouse and superintended the loading thereof onto the carts.

Sixth. That on the night of February 10, 1913, or very early in the morning of February 11th, the same persons,

except the said Raymundo, arrived again at said storehouse and again, in the manner described in the preceding paragraph, took and carried away 25 more sheets of the galvanized iron from said storehouse; that during the time when the other defendants were taking and carrying away the second load of galvanized iron, the defendant Raymundo remained at his house, which is only forty or fifty yards from the storehouse.

Seventh. That the said seventy-five sheets of galvanized iron, which had been taken as above described, were hauled to the house of the defendant, Manuel San Jose, and there stored beneath his residence; that the residence of Manuel San Jose is located about 500 meters from said schoolhouse; that Manuel San Jose is a contractor and builder.

Eighth. That on or about the 29th of March, 1913, the said district engineer returned to the municipality of Ilagan and was notified by the third member of the provincial board, the municipal presidente, and Pedro Teodoro of the loss of the said 75 pieces of galvanized iron; that an investigation was immediately made and said sheets of iron were found in the possession of Manuel San Jose.

Ninth. That later Atanasio Claravall was questioned concerning the disappearance of the 75 pieces of galvanized iron from the storehouse; that he admitted that the defendant Raymundo had taken sixty pieces of the same, but claimed that the iron was delivered to him as a loan and that he had taken receipts which had been filed in the office of the district engineer. The office of the district engineer was examined, but the receipts could not be found. During the hunt for the said receipts, which covered considerable time, during which Claravall was in and out of the office of the district engineer, Claravall was seen taking the said receipts out of his pocket. The first of said alleged receipts was dated March 17, 1913, and is a receipt for 45 sheets of galvanized iron. The second is dated March 30, 1913, and purports to be a receipt for 15 sheets of galvanized iron. The third is dated October 31, 1912, and purports to be a receipt for a number of cart wheels, axles, etc. On the lower part of said receipt, in typewriting, there is a further memorandum dated March 17, 1913, which purports to be a receipt for 45 sheets of galvanized iron, and still another for 15 pieces of galvanized iron roofing. Granting that said receipts are genuine, Claravall has convicted himself of delivering to Raymundo, not 75 sheets of iron, but 120. Even granting that said receipts in part represented the galvanized iron in question, no reason is shown why they should have been dated so long after the galvanized iron in question had been delivered. No reason is given why the receipts had not been delivered at the time the iron was taken.

Tenth. That the said Claravall had no authority to issue property belonging to the Government, either as a loan or for any other purpose.

Eleventh. That Manuel San Jose was a contractor and carpenter and had taken some part in the construction of the camarin, located near the schoolhouse, which Raymundo was erecting upon the land of the defendant Claravall; that the galvanized iron was brought to him and stored beneath his house, between 4 and 6 o'clock in the morning.

Twelfth. That Cosme Rermoso and Roman Belo were carabao drivers in charge of the carts, at the time the galvanized iron was taken from the storehouse to the house of Manuel San Jose.

Thirteenth. That on the 16th of June, 1914, Roman Belo withdrew his appeal. The decision of the lower court therefore became final as to him.

Considering the foregoing facts, we are of the opinion and so declare that the said Atanasio Claravall, and Antonio Raymundo are guilty of the crime of larceny, as described in the complaint, and should be punished in accordance with article 517, in its relation with paragraph 3 of article 518 of the Penal Code. Considering that Atanasio Claravall was an employee of the Government, and the fact that he committed his crime at nighttime, those facts should be considered as aggravating circumstances, and the penalty imposed upon him should be one

year and eight months of presidio correctional, in each of said causes (10053 and 10055), with the condition that the period of imprisonment of one year and eight months in cause No. 10055 shall commence to be served immediately upon the termination of the period of imprisonment imposed in cause No. 10053. (U. S. vs. Webster, 6 Phil. Rep., 393; U. S. vs. Wickersham, 20 Phil. Rep., 440.)

Considering that there were neither aggravating nor extenuating circumstances attending the commission of the crime, with reference to Antonio Raymundo, the penalty imposed upon him should be one year and one month of presidio correctional, in each of said causes, with the provision that the penalty imposed in the second cause shall commence to be served immediately upon the termination of the first. Considering that the defendant Cosme Hermoso was a mere employee of the defendant Antonio Raymundo, and a cart driver, we are of the opinion and so hold that the evidence fails to show that he is guilty of the crime charged. The sentence of the lower court as to him is therefore hereby revoked, with costs de officio.

Considering that the proof shows that Manuel San Jose was guilty only as an accomplice, and considering the provisions of article 15, in its relation with article 68 of the Penal Code, we are of the opinion and so decree that he should be sentenced to pay a fine of P300 in each of said causes, and in case of insolvency to suffer subsidiary imprisonment, in accordance with the provisions of the law.

It is further ordered and decreed that each of the defendants, Atanasio Claravall, Antonio Raymundo, and Manuel San Jose be sentenced to pay one-fifth part of the costs.

In view of the fact that we find the evidence insufficient to convict the said Cosme Hermoso, and considering the fact that his culpability was the same as that of Roman Belo, and considering the fact that Roman Belo has withdrawn his appeal, we do hereby call the attention of the Governor-General to said facts, for the purpose of having him consider the advisability of issuing a pardon to the said Belo.

With the foregoing modifications, the sentence of the lower court is hereby affirmed. So ordered.

Arellano, C. J., Torres, Carson, and Araullo, 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.