

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. ROMAN INFANTE AND TOMAS BARRETO, DEFENDANTS AND APPELLANTS.

G.R. Nos. 11447, 11448, 11449. March 31, 1917

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PER CURIAM:

After due consideration of the various motions for rehearings in cases Nos. 11447,[1] 11448 [2] and 11449 [3] in which judgments of conviction were affirmed upon the appeals of Roman Infante and Tomas Barreto, after conviction in the court below upon various charges of falsification of pawn tickets issued by the Monte de Piedad of Manila, we are of opinion that each and all of these motions for reconsideration should be denied.

It is unnecessary to enter upon an extended discussion of the able and forceful arguments advanced in support of these motions, all of the contentions of counsel having been given full consideration and disposed of adversely in our various opinions already filed with the record of these cases, except the contention that our ruling in case No. 12058,[1] *United States vs. Barreto*, is in conflict with the doctrine announced in our opinion filed in the case of *United States vs. Paraiso* (1 Phil. Rep., 127).

In this case (No. 12058 *United States vs. Barreto*) the accused pleaded guilty upon an information which charged him with the falsification of a pawn ticket, in the city of Manila, with the intent to cause damage to another; and upon conviction appealed to this court, where his counsel contended that the judgment of conviction should not be sustained because there was no allegation in the information that the accused, after he had falsified the pawn ticket, made any use of, or attempted to make use of the falsified document to the prejudice of a third person. To this contention we replied that the accused having pleaded guilty to the commission of the crime of falsification, charged in the very language of the statute, there was no necessity for allegation or proof of the use or attempted use of the pawn ticket, with intent to damage another, and we said:

"The crime of falsification of a private document is consummated at the time when and the place where the document is falsified to the prejudice of, or with the intent to prejudice, a third person, and this whether the falsified document is or is not thereafter put to the improper or illegal use for which it was intended."

Counsel now invites our attention to the case of *United States vs. Paraiso* (1 Phil. Rep., 127), and suggests that the ruling laid down in the present case is in conflict with the doctrine announced in that case.

The head note in the *Paraiso* case, written by the author of the opinion, is as follows:

"Damage to third person.—The prejudice or intention to cause the same to a third person must be evidenced by an act independent of the writing of the false document."

It must be admitted that there is an apparent conflict in the doctrine announced in the two cases, but upon full consideration we are satisfied that the correct rule is announced in the case at bar; and that, in order to sustain a conviction of the crime of falsification of a private document, it is sufficient that the crime be charged in the very language of the statute, provided the allegations of the information be sustained by competent evidence as to their truth. No better evidence of the truth of the allegations of an information can be required than a solemn plea of

guilty entered in open court, under advice of counsel and with full knowledge of the nature of the offense charged.

Doubtless it is true that, in order to establish the intention of the accused to prejudice a third person by the falsification of a private document, the prosecution will often find it necessary to rely upon evidence of some "act independent of the writing of the false document;" but this is not always necessary, as is manifest in the case at bar, if by "an act independent of the writing of the false document" is meant some act whereby an attempt is made to make use of the document for the purpose for which it was falsified.

We decline, therefore, to be bound by the language of the former opinion in so far as it may be found to be in conflict with the doctrine announced in the cases now under consideration.

Torres, Carson, Moreland, Trent, and Araullo, JJ., concur.

[1] Not reported.

[2] Page 146, ante.

[3] Page 149, ante.

[1] Page 204, ante.

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