

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. LINO SUMANGIL, DEFENDANT AND APPELLANT.

G.R. Nos. 5426 and 5427. March 07, 1910

Ponente: CARSON, J.

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CARSON, J.:

These are two separate proceedings against the same defendant for two separate offenses, in each of which the accused was convicted and sentenced to fourteen years eight months and one day of cadena temporal, together with the accessory penalties prescribed by law, and in each of which separate appeal was taken to this court.

For reasons of convenience, and especially on account of the recommendation of clemency hereinafter set out, the separate appeals in these cases are taken up together and decided in a single opinion.

The information in case No. 5426 charges the defendant with the commission of the crime of falsification of a public document, committed as follows:

"On or about the 16th day of May, of the year 1908, the said defendant, being the municipal treasurer of Cuyapo, maliciously and criminally abused his office by issuing an official document as a voucher for certain expenses, in which was set forth a payment of P3.50 made to Tomas Daprosa for the transportation, from Paniqui to Cuyapo, of certain boxes belonging to the municipality, when the sum actually paid was P0.60 and not that hereinbefore stated, making such false statement of facts for the purpose of appropriating the balance. The act was committed in the municipality of Cuyapo, Province of Nueva Ecija, P.I., in violation of the law."

The information in case No. 5427 charges the defendant with the commission of the crime of falsification of a public document, committed as follows:

"On or about the 19th day of May, of the year 1908, the said defendant, being the municipal treasurer of Cuyapo, maliciously and criminally abused his office by issuing an official voucher for expenses in which was set forth a payment of P1.50 made to Vicente Defiesta, for the transportation of three cases of oil belonging to the municipality from Paniqui to Cuyapo, this not being the true amount paid, which was P0.50, making such false statement of facts for the purpose of appropriating the balance. The act took place in the municipality of Cuyapo, Province of Nueva Ecija, Philippine Islands, contrary to law."

The evidence of record in both cases fully sustains the findings of fact by the trial court and establishes the guilt of the defendant of the crime with which he was charged in each case beyond the peradventure of doubt. We find no error in the proceedings in either case prejudicial to the substantial interests of the accused, and the judgments of conviction and the sentences imposed in both cases should, therefore, be affirmed, with the costs of this instance against the appellant.

Under the provisions of article 2 of the Penal Code, and in view of what seems to us to be the excessive penalty ("taking into consideration the degree of malice and the injury caused by the crime" of which defendant was convicted in each case), which it was the duty of the court below, under strict application of the provisions of the code, to impose in both cases, and which it now becomes our duty to affirm, we deem it proper to invite the

attention of the Chief Executive to the nature and character of the two separate offenses committed by the accused and the severe penalties necessarily imposed upon him upon conviction thereof, for such action as shall be deemed proper in the premises. So ordered.

Arellano, C. J., Torres, Mapa, Johnson, and Moreland, JJ., concur.

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