

6 Phil. 435

[ G.R. No. 2655. September 11, 1906 ]

**THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. MODESTO ANGELES,  
DEFENDANT AND APPELLANT.**

**D E C I S I O N**

**WILLARD, J.:**

The evidence is sufficient to show that the defendant, Modesto Angeles, manufactured a seal in imitation of the seal of the municipality of Lipa, in the Province of Batangas, for the purpose of using it in the making of false certificates of the transfer by him of live stock. He therefore violated article 312 of the Penal Code.

The falsification of one of these documents is punished, as we have just held in the case of the United States vs. Florentino Sayson<sup>[1]</sup> (4 Off. Gaz., 572), by article 311 and not by articles 300 or 301 of the Penal Code. The punishment in this case can not, therefore, exceed that of the grade immediately inferior to *arresto mayor*, which is a fine.

The judgment of the court below as to Modesto Angeles is reversed and the defendant is convicted of a violation of article 312 of the Penal Code and is sentenced to pay a fine of 200 pesos, with the costs of both instances, and subsidiary imprisonment in accordance with the law, but not to exceed one month, if the fine is not paid.

After the expiration of ten days let judgment be entered in accordance herewith and ten days thereafter let the record in this case be remanded to the trial court for execution. So ordered.

*Arellano, C. J., Torres, Mapa, Carson, and Tracey, JJ., concur.*

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<sup>[1]</sup> Page 382, *supra*.

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