

5 Phil. 526

[G.R. No. 1994. January 11, 1906]

**THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. WILLIAM GEORGE HOLLIS,
DEFENDANT AND APPELLANT.**

D E C I S I O N

JOHNSON, J.:

This defendant was charged with the crime of falsification of a public document, in the Court of First Instance of the Province of Occidental Negros. He was tried by said court, found guilty of the crime charged in said complaint, and sentenced to be imprisoned for a period of ten years and one day of *presidio mayor*, to pay a fine of 8,751 pesetas, with the accessories of the law, to pay the costs, and to indemnify one James D. Fauntleroy in the sum of \$123, United States currency. From this decision the defendant appealed to this court.

The document with reference to which the falsification was made was a check or bill of exchange for \$123, United States currency, issued by the Deputy Treasurer of the United States, No. 3230, and dated at Washington the 7th day of November, 1902, payable to one James D. Fauntleroy, captain of the Twenty-seventh Volunteers, United States Infantry. The complaint charges that this check or bill of exchange came into the hands of the defendant, who forged the name of the said Fauntleroy in an indorsement upon the said document, and thereby received the money due upon said document. This document was introduced in evidence together with the alleged forged indorsement thereon and was marked "Exhibit 2." There was much proof introduced during the trial to show that such indorsement was made in the handwriting of the said defendant. There was also introduced during the trial documents containing the signature of the defendant as well as writings by him, for the purpose of showing that this alleged indorsement was in the handwriting of the defendant. Expert witnesses were also introduced for the purpose of showing that the alleged indorsement was in the handwriting of the defendant. These expert witnesses made many

comparisons of the alleged indorsement with the true handwriting of the defendant.

This document, "Exhibit 2," does not now appear in the record in this court It has been lost; where or in what manner we are unable to say; there is no positive proof that it was ever received by the clerk of this court. Whereas this document furnishes the principal evidence in the cause against the defendant, and whereas it is necessary for this court to have the said document in order that it may ascertain for itself whether the alleged indorsement is a forgery or not, we are unable to reach a decision in the case without it and therefore hereby order the said cause to be returned to the inferior court for a new trial. So ordered.

Arellano, C. J., Mapa, Carson, and Willard, JJ., concur.
