

[G.R. No. 861. December 20, 1902]

**THE UNITED STATES, COMPLAINANT AND APPELLANT, VS. DOMINGO VIERA,
DEFENDANT AND APPELLEE.**

D E C I S I O N

LADD, J.:

The defendant, a priest in Jaro, is accused of tearing down a wall and stealing the stones of which it was composed. He admits that the wall was torn down by his direction, but he claims that he acted under the bona fide belief that it was the property of the College of the Sisters of Charity, an institution of which he was at the time the administrator. It is not disputed that he used a part of the stones to repair the pavement of the public highway and the rest in repairs upon the pavement of the courtyard of the college. Apparently he derived no individual pecuniary profit whatever from the stones.

Whether the wall belonged to the college depended upon whether one Jalandoni had conveyed or agreed to convey the land on which it stood to the college. Upon an examination of the record we find it difficult to understand how the defendant could have believed that there had been any such conveyance or any agreement or intention on the part of Jalandoni to make such conveyance, but on the other we find it equally difficult to conceive that a person who, without any attempt at concealment, tears down a stone wall 50 feet long and disposes of the remains, not for his own private gain, but for the benefit of an educational and charitable institution, and for the public in general, can have acted with a genuine criminal intent. Of course, these facts do not exclude the possibility that the intent may have been criminal; there may be other facts not in the record which would give the transaction an altogether different complexion; but with only the light afforded by the meager evidence before us we can not free our minds from grave doubts, and such doubts must be resolved in favor of the defendant.

The judgment of acquittal is affirmed with costs *de officio*.

Arellano, C. J., Torres, Cooper, Smith, and Willard, JJ., concur.

Mapa, J., did not sit in this case.

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