

4 Phil. 506

[G.R. No. 1298. May 01, 1905]

**THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. JUAN SINGUIMUTO,
DEFENDANT AND APPELLANT.**

D E C I S I O N

CARSON, J.:

The information filed in this case is as follows:

“In the Court of First Instance of the Province of Batangas. Seventh Judicial District. March 7, 1903. The undersigned accuses Juan Singuimuto of the crime of *estafa*, as follows:

“First.

That the said Juan Singuimuto, in the town of Batangas, Province of Batangas, received 300 sacks of rice from Lieutenant William H. Bell, commissary of the United States military post, who was responsible for the distribution, purchase, and sale of Government rice in the said Province of Batangas, using for this purpose two orders (*vales*) issued in favor of the accused by the said Lieutenant William H. Bell, to wit: One for 100 sacks of rice, valued at 525 pesos, Mexican currency, being at the rate of 5.25 pesos, Mexican currency, per sack—this on or about the 16th day of July, 1902; and the other for 200 sacks valued at 1,050 pesos, Mexican currency, being at the rate of 5.25 pesos, Mexican currency, for each sack—this on or about the 13th

day of October, 1902.

“Second. That the accused received the said 300 sacks of rice on commission to sell them, and to pay the amount received, when sold, to Lieutenant William H. Bell, through the municipal president, Sr. Jose Villanueva.

“Third. That the accused not only has failed to deliver the amount received from said sales, but he has denied receiving the said 100 and 200 sacks of rice.

“Fourth. That these acts were committed contrary to law.”

There is no evidence in the case upon which to base a finding that the rice in question was in fact delivered to the accused, unless full faith and credit be given the testimony of the witness Isabelo Javier, who stated that he received the said order from Lieutenant Bell and delivered the same to the accused, and that the accused, through his agents, received said rice from the Government warehouseman in pursuance of said order.

This witness, when first called, stated that as a friend of the accused he had acted as interpreter in the transactions had with the officer in charge of the distribution of the Government rice at Batangas, and that except on the 14th and 15th of October the accused never bought or dealt in Government rice, and that on those occasions he paid cash for all rice received.

Upon being recalled for the prosecution, he swore that this evidence was false, and that the truth was that the officer had given him the orders mentioned in the information for delivery to the accused, that he had delivered said orders, and that the accused had received the rice mentioned in the said information from the Government warehouseman at or about the date of the execution of said orders. He also gave the names of a number of drivers of carabao carts, on which he alleged the

rice in question had been hauled away by the accused, but all of these persons who were called as witnesses positively denied having hauled the rice in question and contradicted the statements of the witness upon this point.

We do not think that the uncorroborated evidence of this witness is sufficient to overcome the presumption of innocence in favor of the accused, and we are of opinion that there exists a reasonable doubt as to the alleged delivery of the rice in question.

The sentence appealed from is reversed, and the accused acquitted of the charge against him, with the costs *de officio* in both instances.

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

DISSENTING

TORRES, J.:

From the new evidence taken in the new trial had in this case, it appears that Juan Villano affirms to have seen ten of the various witnesses examined in this case, and whose names he gives, occupied in transporting rice in carts at about 10 o'clock in the morning of a day the date of which he could not remember, but it was about two years ago, and that they were unloading the rice in the storehouse belonging to the defendant who, together with Vito Alindungan, received and piled the rice inside of the storehouse. Another witness affirms (p. 185) what the witnesses preceding him testified to, adding that the rice was carried to the store of the defendant in July and October, 1902, in the morning, and that it came from the storehouse of the Government, situated on the shore, and that several of the witnesses examined, cart drivers, and whose names he does not state, were transporting the rice in carts. That the one who received and took the sacks of rice was a son-in-law of the defendant, "Goyo" or "Gregorio," assisted by Isabelo Javier, and as the witness was in the employ of the defendant, he was ordered to arrange the stacking of the sacks of rice received.

Taking into consideration what these two witnesses testified, and also taking into consideration the statements made by Isabelo Javier, supporting the testimony of the majority of the witnesses examined who were cart drivers, and finally what the witnesses Petronilo Marcial and Pelagio Quino stated regarding the disappearance of a certain quantity of rice which was in charge of Lieutenant Bell, and finally taking the result of the case altogether, corroborating the charges, and also what the witnesses Fortunato Hernandez and Felix Javier declare, I reassert here my former opinion rendered on the decision of the case No. 1298, dated January 14, 1904,^[1] and of which this forms a part.

DISSENTING

JOHNSON, J.:

I think the evidence disclosed by the record shows that the defendant is guilty of the crime charged and that the sentence below should be affirmed.

^[1] 3 Phil. Rep., 176.
