

6 Phil. 1

[G.R. No. 2457. March 17, 1906]

**THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. ANICETO DADACAY ET AL.,
DEFENDANTS AND APPELLANTS.**

D E C I S I O N

CARSON, J.:

Policarpio Dadole, one of the appellants in this case, having died pending his appeal, the complaint as to him should be, and is hereby, dismissed, with his proportionate share of the costs in both instances *de officio*.

There is sufficient evidence in the record to sustain the finding of guilt as to the appellant Aniceto Dadacay, and we find no error in the proceedings prejudicial to his rights. We therefore affirm the judgment and sentence of the trial court as to him, and impose upon him his proportionate share of the costs of this appeal.

The evidence of record connecting Ramon Dadole and Simplicio Hambre with the conspiracy with which they are accused rests solely upon the evidence of one Benito Balabat, who alleged that the former, who was president of the town of Initao, and the latter, who was one of the consejales of the barrio of Maauan, sent him with a rifle and 51 cartridges to one of the bandit chiefs, who later attacked the town of Initao. The evidence of this witness is not satisfactory. On his own confession he became a member of the band of brigands to which he alleges the accused sent the rifle, and he is therefore an accomplice in the crime of brigandage with which the accused are charged, and his uncorroborated testimony is not sufficient evidence to support a conviction. The prosecution attempted to corroborate his statements by putting on the stand the bandit chief to whom it is alleged the rifle and cartridges were sent, but the statements of the witnesses are contradictory in many important details, and the evidence of the bandit chief himself must, of course, be accepted doubtingly and with extreme caution.

Upon the testimony of the witness Pedro Nagueta some attempt was made to show that these accused took part in a secret meeting held at the house of one Marcelino Batonil for the purpose of securing contributions of rice and money, to be sent to the bandits in the mountains, but we think, after an examination of the testimony of these witnesses, that it must be rejected as wholly untrustworthy in so far as it affects these accused.

We therefore reverse the judgment and sentence appealed from in so far as it affects the said Ramon Dadole and Simplicio Hambre, and acquit them of the crime with which they are charged, with their proportionate share of the costs of both instances *de officio*, and direct them to be released from detention forthwith. So ordered.

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