

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS.
JACOB J. LOEWINSOHN, ACCUSED; GIL FARGAS AND CRISPIN
BAIZAS, RESPONDENTS AND APPELLANTS.**

G.R. No. L-1299. May 31, 1949

Ponente: PERFECTO, J.

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PERFECTO, J.:

Finding them guilty of contempt under section 3 (d) of Rule 64, the People's Court sentenced Gil Fargas to pay a fine of P100 and Crispin Baizas P200.

In September, 1946, while treason case No. 4218 against Jacob J. Loewinsohn was pending trial, appellants went to the house of Carlos Planes, Jr., neighbor of the accused, and one of the witnesses for the prosecution.

According to Remedios Conde de Planes, about the end of September, 1946, between twelve and one in the afternoon, Fargas and Baizas went to talk with her husband. Fargas requested her husband to withdraw his declaration against Loewinsohn. Baizas supported Fargas's request. Her husband refused because he had already sworn to a statement. When they left and bade goodbye to the witness, they told her that no matter how good a man may be he may become a criminal. She was not in the sala where the conversation took place, but in the dining room, where she could hear the conversation.

Carlos Planes, Jr., testified that one noontime, while he was eating, appellants arrived. They said that they went there for Mr. Loewinsohn who "is already a good man and that there is a good opportunity for him to get a job but the only thing that is preventing him is this case. They told me taht a lot of cases of this kind in the People's Court die a natural death for lack of evidence, and they told me that this case against Mr. Loewinsohn is as good as aready dismissed because, they said, only one witness remained in the case and I was the only one witness remaining, and they said that if I do not appear in court the case may be quashed, adding, we are all Christians and good Catholics, we ought to love one another especially that we were saved from the war, we ought to forget everything. Mr. Loewinsohn is now a good man but even a good man if you continue poking him may turn a criminal." The witness told them that "I have a statement and that I have to go through with it. They wanted me to retract, that is, not to appear in court anymore."

Fargas denied that he ever asked Planes not to testify for the government. He only asked him to tell the truth as a good Christian, adding that he could not believe that Loewinsohn would display a swastika in his house. Baizas corroborated him.

There is no showing in this case that appellants attempted by unlawful means to induce Planes to testify contrary to his previous testimony or to induce him to testify falsely. Upon the evidence, it appears that Fargas, upon the fact known to him, requested Planes to withdraw a statement running counter to said fact, with the further request that, at any rate, Planes should testify to nothing but the truth. There is no evidence on record as to what the truth is regarding the display of the swastika. It is not necessary to question the honesty both of Planes and Fargas. The individual version of each may be correct without concluding that the version of the other is necessarily incorrect.

They are not absolutely incompatible. Honestly convinced that Loewinsohn did not display the flag, because he did not see it displayed, and carried by the natural impulse of helping a friend, Fargas probably did request Planes to testify in accordance with his version of the facts, thereby only failing to perceive what a more analytical mind would have perceived, that Planes may also be correct in his version.

Appellants are acquitted.

Moran, C. J., Paras, Feria, Pablo, Bengzon, Briones, Tuason, and Reyes, JJ., concur.

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