

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. SEGUNDINO DAVID, AND AMANCIO BAESA, DEFENDANT AND APPELLANTS.

G.R. No. L-33. January 29, 1946

Ponente: PARAS, J.

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PARAS, J.:

This is an appeal from a judgment of the Court of First Instance of Manila, finding the appellants guilty of robbery and sentencing each to an indeterminate penalty of from 6 months of arresto mayor to 3 years, 8 months and 1 day of prision correccional, to indemnify the offended party in the sum of P30,000, with subsidiary imprisonment in case of insolvency, and to pay the costs.

The appellants are alleged to be two of a group of five men who, at about eight o'clock on the night of June 13, 1945, entered the house of Rosario Rodil located at No. 1930 Catamanan Street, Manila, and at the point of their revolvers took away therefrom, after making a search lasting for hours, some cash belonging to Rosario Rodil and jewelry worth about P30,000 belonging to her sister Concepcion Rodil. Rosario Rodil and her niece Paulita Santiago testified that they were able to recognize the appellants on said occasion in spite of their efforts to conceal their identity, because at times the light of the lamp used by them in the search had been focused on their faces.

The appellants have set up the defense of alibi in that, at the time the alleged robbery took place, the appellant Segundino David was in the house of Milagros Santos and the appellant Amancio Baesa was in his home at 1934 Catamanan street. In this connection, it may be stated that, at the time of the trial, the appellant Amancio Baesa was only seventeen years old, but this fact escaped the notice both of the prosecution and the trial court.

We have a reasonable doubt as to appellants' guilt. Rosario Rodil testified that, previous to the robbery complained of she used to see appellant Amancio Baesa near her house and appellant Segundino David in the year 1944; and yet when she first reported the matter to the police authorities on June 13, 1945, the robbers were referred to as five unknown Filipinos. Her failure to mention in her report the fact that she could identify two of the alleged malefactors because she had previously known them at least by face—a very essential detail in the solution of the crime—engenders a suspicion that she was not altogether candid and truthful in her testimony. At any rate, the omission on so important a point, has rendered the evidence for the prosecution insufficient to establish appellants' guilty connection, to the requisite degree of moral certainty. No motive might have impelled Rosario Rodil and her niece Paulita Santiago in framing up the appellants, but this circumstance is not a guaranty that they could not have made an honest mistake.

The appealed judgment will therefore be, as the same is hereby, reversed and the appellants acquitted, with costs de oficio.

Moran, C.J., Jaranilla, Feria, Pablo, and Briones, JJ., concur.

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