

EL PUEBLO DE FILIPINAS, QUERELLANTE Y APELADO, CONTRA ANTONIO ORCULLO Y OTROS, ACUSADOS. ANTONIO ORCULLO Y ARTEMIO CORTEZ, ACUSADOS Y APELANTES.

G.R. No. L-1978. May 30, 1949

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/e72387622917/>

PABLO, M.:

1. TESTIGOS; CONTRADICCIONES DEL MISMO TESTIGO; REITERACION LE DOCTRINA.—"En cuanto a las contradicciones de un testigo consigo mismo en un solo acto o en diferentes actos, ellas pueden obedecer a una larga serie de repreguntas en la que en la declarante ya no llega a darse cuenta de lo que dice, maxime si las preguntas son en su mayoría sugestivas y con tnedencias a hacer al testigo se ratifique en una declaracion contradictoria anterior. Lamente en este caso incapaz de raciocinar, n o hace mas que reflejar, a modo de eco, la idea sugerida. El Profesor Ed. Claparede, Director del Laboratorio Psicologio de la Universidad de Genova, en su obra "What is the value of Evidence," dice: 'En la prestacion del testimonio. La forma de la pregunta tambien influye en el valor de la contestacion que se da a ella. Supongramos que a cierta persona se le preguntase acerca del color de cierto perro. Las contestaciones serian mas exactas si se le preguntase: 'Que color tenia el perro?,' que si la pregunta seria completamente sugestiva si preguntasemos: 'Era blanco el perro?' Una pregunta sugestiva puesta a un testigo que crea una inferencia en su menta, puede influir para que declare de acuerdo con la suggestion transmitida por la pregunta; su contestacion puede ser un eco de la pregunta mas bien que un verdadero recuerdo de los acontecimientos, * * * ' " (Moore on facts., Vol. II, pages. 913, 914.) (Pueblo contra Limbo y Limbo 49 Jur Fil., 99.)

Ozaeta, Paras, Feria, Perfecto, Bengzon, Tuason, Montemayor, y Reyes, MM., estan conformes.

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